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Supreme Court } January Term, A.D. 1902.
Appellate Division } Albany, Wednesday, May 28th 1902.

Court opened at 10 o'clock A.M.

Present, Hon. Edward Kent, Chief Justice.
" Geo. R. Davis, Associate Justice.
" Fletcher M. Doan, "
" Richard E. Sloan, "
James Allen Cox, Clerk
Charles Stiles Brevoort.
Charles Stiles - Attorney, U. S. Navy.
[illegible] Calkins, Esq.
[illegible] Woodward, Bailiff.

And the following business was transacted.

On motion of Mr. C. F. Kenworth, it is ordered that [illegible] be admitted to practice on the Court, upon signing the [illegible] and taking the usual oath.

On motion of Mr. A. C. Baker, it is ordered that Mr. Jesse Randolph be admitted to practice in this court in one case Numbered 785.

On motion of Mr. J. M. Junison, it is ordered that Mr. Paul R. Brown, who produces a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon signing the roll of attorneys and taking the usual oath.

No. 162. L. L. Lowery, Appellant, vs. Territory of Arizona, Respondent.

It is ordered that the Motion for Re-hearing filed herein by appellant be submitted.

May 28-'08

Stanley D. Nash, [illegible]
vs. Stanley T. Nash, [illegible]
Plaintiff.

No. 762. ✓

-vs-

The Cedar Valley, Kiowa & Western
Railway Company, a corporation
Defendant,
[illegible]
Appellee.

[illegible]

Appellant, to submitted.

[illegible]

No. 766. ✓

vs.

[illegible]

[illegible]

[illegible]

[illegible]

No. 768 ✓

vs.

John D. Conarty,
Appellee.

It is ordered that the Motion for Rehearing, filed herein by Appellants, be submitted.

G. M. Hullard, R. E. Van Deren, Etta Hullard, H. H. Nichols and M. A. Carrier,
Appellants,

No. 771 ✓

vs.

Alfred Carrigan,
Appellee.

It is ordered that the Motion for Rehearing, filed herein by Appellants, be submitted.

No. 72. ✓

Arizona and New Mexico Railway Company, a corporation,

Appellant,

vs.

Robert Merritt,

Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 750 ✓

L. C. Shattuck,

Appellant,

vs.

Pardee Bartells,

Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 777 ✓

To Powell,

Appellant,

vs.

Navajo County,

Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 696 ✓

Gila Bend Reservoir and Irrigation Company,

Appellant,

vs.

Penin Canal Company and Arizona Contracting Company,

Appellee.

It is ordered that the Motion for a reconsideration and a re-finding of facts filed herein by Appellant, be submitted.

No. 738. Martin Gould, Appellant, vs. The Maricopa Canal Company, a corporation, Appellee.

It is ordered that the Motion for re-hearing filed herein by Appellant, be submitted.

No. 739. James O. Mackey, Appellant, vs. Maricopa Canal Company, a corporation Appellee.

It is ordered that the Motion for re-hearing filed herein by Appellant, be submitted.

No. 740. Edward Gardeman, Appellant, vs. The Grand Canal Company, a corporation, Appellee.

It is ordered that the Motion for re-hearing filed herein by Appellant, be submitted.

Messrs. John L. Haggaman of Tucson and Geo. E. Maxwell of Tucson, made application for leave to practice in this Court, whereupon the Court appointed Messrs. J. E. Hancock, E. B. Gilbert and Walter Bennett, to examine to applicants qualifications.

No. 788. Louis J. Sanford and Dan A. Sanford Partnership, Plaintiffs vs. The District Court of the First Judicial District of the Territory of Arizona in and for Pima County, and the Honorable George A. Davis, Judge of said Court,

it is ordered that the order to show cause be continued until further

Court took a recess until 4 o'clock this afternoon.

Court reconvened at 4 o'clock P.M.

Present: His Honor. Edward Kent Chief Justice

" " Geo. R. Davis Associate Justice

" " Fletcher M. Doan "

" " Richard E. Sloan "

and the Clerk.

The following proceedings were transacted.

The committee appointed to examine Mr. J.L. Waggoman and Mr. H. E. Morrill upon their qualifications to practice in the Supreme Court of the Territory of Arizona, recommended their examination to the Court.

For the matter of the account of the Clerk of this Court for per diem, for the quarter ending March 31st, 1902, presented for allowance, the following order was made in open Court.

Whereas, James Allen Orr, Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account for his official services from the first day of January, 1902, to the thirty-first day of March, 1902, with the items thereof, in the presence of the United States District Attorney, and has, by affidavit attached to the account proved to the satisfaction of the Court that the services therein charged have been actually and correctly performed as therein stated; and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to One Hundred and forty-one and 80/100 (141.80) Dollars, be, and the same is hereby approved.

The Clerk certified that upon each day for which a fee item is charged in this account, the Court was opened and the Judges present and presiding.

May 28th 1902. Edward Kent

Chief Justice Supreme Court Territory

No. 695. E. M. Ward, H. W. Keeler, and Moore & Garrison, Appellants,
vs.
Alfred Comyns, Appellee.

It is ordered that the motion for re-hearing filed herein by appellants, and heretofore submitted, be and the same is hereby denied.

No. 772. Arizona & New Mexico Railway Company, a corporation, Appellant,
vs.
Robert Neil, Appellee.

It is ordered that the motion for re-hearing filed herein by appellant, and heretofore submitted, be and the same is hereby denied.

No. 162. L. L. Quarles, Appellant,
vs.
Territory of Arizona, Appellee.

It is ordered that the motion for re-hearing filed herein by appellant, and heretofore submitted, be and the same is hereby denied.

No. 696. Gila Canal Reservoir & Irrigation Company, Appellant,
vs.
Peoria Canal Company and Arizona Construction Company, Appellees.

It is ordered that the motion for re-consideration and re-finding of facts, filed herein by appellant, and heretofore submitted, be and the same is hereby denied.

No. 762.

Beasley D. Mateer, as the father of Beasley K. Mateer, a minor,
Appellant,
vs.
The Gila Valley, Globe & Northern Railway Company, a corporation,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellant and heretofore submitted, be and the same is hereby denied.

No. 763.

Kiser G. Greenhaw,
Appellant,
vs.
A. J. Kitzmiller, Sr.
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 768.

A. J. Olive, of Charlotte A. Olive,
Appellants,
vs.
Lula H. Daugherty,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellants and heretofore submitted, be and the same is hereby denied.

No. 777.

A. Tenfelt,
Appellant,
vs.
Maricopa County,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

No. 738. James W. Mantor, Appellant,
vs.
The Mormon Canal Company, a corporation, Appellee.

It appearing to the Court that there is a clerical error in the judgment order entered herein on the 19th day of March A.D. 1904, It is ordered that the said judgment order be and the same hereby is corrected to read as follows, to-wit:-

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby reversed, and a judgment and decree entered in accordance with opinion rendered in the case of Henry E. Sloan against the Salt River Valley Canal Company, dated

It is further ordered, adjudged and decreed that the Appellant herein, do have and recover of and from the Mormon Canal Company, a corporation, his costs in this court, taxed at

No. 739. James W. Mantor, Appellant,
vs.
The Mormon Canal Company, a corporation, Appellee.

It appearing to the Court that there is a clerical error in the judgment order entered herein on the 19th day of March A.D. 1904, It is ordered that the said judgment order be and the same hereby is corrected to read as follows, to-wit:-

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby reversed, and a judgment and decree entered in accordance with opinion rendered in the case of Henry E. Sloan against the Salt River Valley Canal Company, dated

The Supreme Court, adjudged, and decreed that the plaintiff recover of the Manhattan Canal Company the sum of $1.

No. 740

The Canal Company, Appellant,
vs.
The Canal Company, Respondent.

Appeal.

Opinion by the Court. Action to recover a claimed overpayment on a contract. Judgment for plaintiff, affirmed, with costs, and remittitur ordered sent down.

The plaintiff having duly perfected an appeal to this Court from a judgment entered in favor of the defendant in the above entitled action, and the cause having been duly argued by counsel for the respective parties, and due deliberation having been had thereon, it is now ordered, adjudged and decreed that the judgment appealed from be and the same is hereby affirmed with costs.

Henry E. Deane against the Salt River Valley Canal Company.

Appeal from

The plaintiff having duly perfected an appeal to this Court from a judgment entered in favor of the defendant in the above entitled action, and the cause having been duly argued by counsel for the respective parties, due deliberation had thereon, it is now ordered, adjudged and decreed that the judgment appealed from be and the same

No. 735

The [illegible]

Appellant,
vs.
[illegible]

Respondent.

Appeal from the [illegible] Hearing filed herein and submitted, it is ordered that the same

May 28 '02

Jones, Q. Marks,
Appellant,
vs.
The Bayou La Fourche Canal Company,
a corporation,
Appellee.

Mr. Justice Brewer delivered the opinion of the Court.

This was a petition for writ of error to the Supreme Court of the Territory of Utah, and Petition rejected. Error dismissed.

Jan 20 '02

Jan Backman,
Appellant,
vs.
The Land Canal Company,
a corporation,
Appellee.

Mr. Justice Brewer delivered the opinion of the Court. This was a petition for writ of error to the Supreme Court of the Territory of Utah, and Petition rejected. Error dismissed.

Jan 7 '02

L. b. Shattuck,
Appellant,
vs.
Martin Bartells,
Appellee.

Mr. Justice Brewer delivered the opinion of the Court. This was a petition for writ of error to the Supreme Court of the Territory of Arizona, and Petition rejected. Error dismissed.

E. N. Willard, H. M. Fisher
and E. A. Cheney,
Appellants
vs.
[illegible]
Appellee.

[illegible] of Appeal to the Supreme Court of the United States, to [illegible]

amount of said bond, — to stay proceedings, and to make findings of facts.

On motion of attorney for appellant herein, it is ordered that the Petition for Allowance of Appeal be heard at once on oral argument.

No. 786. Maricopa County, Appellant, vs. J. M. Bennett, Appellee.

On motion of Walter Bennett Esq., attorney for appellee herein, it is ordered that this cause be submitted on briefs.

No. 788. [illegible] and [illegible] Sanford, her husband, Plaintiffs, vs. The District Court of the First Judicial District of the Territory of Arizona in and for [illegible] County, and the Honorable George R. Davis, Judge of said court, Defendant.

On motion of Webster Street Esq., attorney for Defendant herein, it is ordered that Plaintiffs have 30 days to file briefs herein and Defendant 20 days thereafter to file reply.

No. 7[illegible]. [illegible] Hilliard, [illegible], and [illegible], Appellants, vs. [illegible], Appellee.

[illegible] for allowance of appeal to the Supreme Court of the United States, of Appellants herein, from the judgment of this Court entered on the 15th day of March, 1902, and the order [illegible] motion for rehearing [illegible]

Entered Motion was argued by Mr. Gentleman and Mr. Heafield and after hearing counsel motion reserved.

It is ordered that this court take a recess until tomorrow May 29th, at 10 o'clock A.M.

Burbidge Chief Justice.
Gwynne Justice.
" "

Supreme Court
Territory of Assiniboia } January term A.D. 1902.
Court opened at 10 o'clock A.M. Thursday May 29th 1902.

Present, His Honor Edward Newlands Chief Justice.
Geo. R. Gower Associate Justice
Fletcher McMurray " "
James Allen Esq. Clerk
United States Marshal.
United States Attorney.
M. H. Bakewell, Crier.
Sean Haviland, Esq.
and the following Barristers and Attorneys.

G. N. Willard, H. H. Nichols
and M. A. Cowin,
Appellants

vs.

Abigail Cowan,
Respondent

Counsel for the Appellants asks for leave to withdraw the appeal herein, as the Matter in dispute has been settled, and produces Document.

On motion of H. H. Nichols, Esq. for the Appellants it is ordered that the Appeal herein be and the same is hereby

It is hereby ordered that an adjourned term of the Supreme Court of Arizona be held at the City of Prescott, Arizona, on Friday the thirty-first day of October, 1902, and provided by Section 934 of the Revised Statutes of the United States.

Done in open Court, this 29th day of May, A.D. 1902.

Edward Kent,
Geo. R. Davis,
Fletcher M. Doan,
Justices of the Supreme Court.

It is ordered that this Court stand adjourned sine die.

Edward Kent Chief Justice.
Associate Justice

Let No. 1

H. M. Register Office, Edinburgh, 17th October, 1902.

The undersigned Commissioners for Oaths hereby certify that Thomas Ernest Hunt, Esquire, Solicitor, Edinburgh, duly appointed Notary Public by Royal Warrant dated 17th October, 1902, has this day subscribed the Oath of Office and Declaration required by the Notaries Public (Scotland) Act, 1801, and has taken and subscribed the Oath de fideli administratione required by the Act 39 and 40 Geo. III. Cap. 56, and has thereby become entitled to act as Notary Public in Scotland.

In witness whereof we have subscribed these presents and caused the Seal of Office be affixed hereto at Edinburgh, the 17th day of October, 1902.

Ernest Hunt
Lieut. & Adjt.
Highland R.G.A.
Vol. Brigade

E.H.
E.H.
E.H.
E.H.

Territory of Arizona } ss. Filed Here, A.D., 1902.
County of Navajo } Recorded, Navajo County, Arizona, July 31-1902.
Court convened at 2 o'clock P.M.
Present, Honorable Edward Kent, Chief Justice.
" R. Davis, Associate Justice.
" M. Doan " "
" E. Sloan " "
S. M. Cullom, Clerk.
H. E. Coldwood, Crier.
Jesse Nordwall, Bailiff.

The following proceedings were had.

Order appointing Ind.

It was hereupon ordered that the Ind. of Shelby M. Cullom, as Clerk of the Supreme Court of Arizona, given to the United States of America on the 29th day of Jan. A.D. 1901, in the penal sum of Five Thousand ($5,000.) Dollars and dated October 17th, 1902, be and the same is hereby approved, and that certified copy of this order be attached to said Bond.

Done in open Court this 31st day of October, A.D., 1902.

Oath of Clerk.

I, Shelby M. Cullom, do solemnly swear that as Clerk of the Supreme Court of Arizona, and Clerk of the Supreme Court of the Territory of Arizona, and Clerk of the Supreme Court of the State of Arizona, when the same shall become a State, I will support the Constitution of the United States, and the Organic Act of the Territory of Arizona, and will faithfully discharge the duties of my said office to the best of my ability, and will carefully preserve all records, papers and property entrusted to me as such Clerk, and will perform all duties required of me by law.

Shelby M. Cullom

Subscribed and sworn to before me this 31st day of October, A.D., 1902.

S. M. Cullom, Clerk.

By E. E. Sloan, Deputy.

Bond of Clerk.

Know all men by these Presents: That we, Shelby M. Cullom of Navajo, Arizona as Principal, and the Security Insurance Company, a corporation duly incorporated under the laws of the State of Connecticut and authorized to do business in the Territory of Arizona as Surety, are held and firmly bound unto the United States of America, in the penal sum of Five Thousand ($5,000.) Dollars, lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these Presents.

Sealed with our seals and dated this 17th day of October, A.D., 1902.

The condition of the above obligation is such, that whereas the above bounden Shelby M. Cullom was, on the 29th day of January, A.D., 1901, appointed by the Supreme Court, to the office of Clerk of the Supreme Court of the Territory of Arizona.

Now, if the said Shelby M. Cullom shall faithfully discharge the duties of the office of Clerk of said Supreme

Affidavit
Cert. of Ex. Secretary
read the above certificate, and testified that
Cert. and seal affixed to the certificate were the
proper ones used by the Corporation during
the time he was Secretary
Signed, sealed and
delivered in the
presence of
(Corporate Seal)

Ex. ... Exhibit
Certificate
Recorded
Corporation
Assistant Secretary of the Circle Bar Co. ...
corporation described in and which executed the above
and foregoing instrument; that he was present and saw
Sherby M. Cotton sign, seal and deliver said instrument
as his free and voluntary act and deed for the uses and
purposes therein mentioned; that he, the said affiant,
subscribed his name as a witness to said instrument at
the request of said Sherby M. Cotton; that at the time
of so doing the said Sherby M. Cotton was of lawful age
and of sound mind, and that he executed said instrument
freely and voluntarily for the uses and purposes therein
mentioned; that he, the said affiant, believes the said
Sherby M. Cotton to be a resident of ...
thereto subscribed ...

and also the interest of said defendant, and that the said Company, incorporated and liable to operate, under its charter, letters and liabilities, of every nature whatsoever, to some three thousand nine hundred fifty Shares and Dollars.

Defendant further says that C. Whicker residing at Phoenix in the County of Maricopa, was duly appointed agent of said Company to accept service of process against said Company in the first instance, by the laws of this Territory, and is entitled to notice of any action, suit or proceeding brought against said Company in any court.

Geo. G. Christy.

Sworn to, acknowledged before me, and subscribed in my presence, this Twenty-sixth day of July A.D. 1902.

Lennie M. Andrews
Notary Public.

(Seal.)
Com. expires July 30, 1904.

United States of America } ss.
Territory of Arizona }

I, Sally A. Cadley, duly appointed, qualified and acting Secretary of the Territory of Arizona, do hereby certify that I have carefully examined and recorded all the articles, clauses, conditions and provisions of the said Articles of Incorporation of the Arizona Eastern Railroad Company, and that said Articles of Incorporation are in conformity with the laws of the United States and of this Territory, and that the said Company has complied with all the requirements of said laws, and is entitled to the benefits thereof; and I do further certify that the said Company has filed in my office a duly certified copy of its Articles of Incorporation, and has paid to me the sum of Fifty Dollars, the fee required by law for filing the same.

In witness whereof I have hereunto set my hand and affixed the Great Seal of the Territory of Arizona, at the City of Phoenix, this 26th day of July A.D. 1902.

Sally A. Cadley
Secretary of Arizona.

No. 738. V.

The Queen on the Grand Canal Company
& others.

Petitioner.

The Motion for re-hearing, filed herein by petitioner, having been further postponed until the Court has come to a more perfect understanding of the case, & the Court having considered the same and being fully advised in the premises, it is ordered that said Motion be and the same is hereby granted.

No. 739. V.

Daniel J. Mallory

-vs-

The Marietta Canal Company
& others.

Petitioner.

Respondents.

The Motion for re-hearing, filed herein by petitioner, having been further postponed until by the Court & the Court having considered the same and being fully advised in the premises, it is ordered that said Motion be and the same is hereby granted.

No. 740. V.

Fred Brockmann,

-vs-

The Grand Canal Company,
& others,

Petitioner.

Respondents.

The Motion for re-hearing, filed herein by petitioner, having been further postponed until by the Court & the Court having considered the same and being fully advised in the premises, it is ordered that said Motion be and the same is hereby granted.

No. 756. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 757. Ella Valley, Clerk, Plaintiff, vs. A. J. Evans, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 758. Isaac Cohen, Executor of the Estate of Rachel Cohen, deceased, Plaintiff, vs. Rachel Cohen, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 759. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 760. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 761. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 762. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 763. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 764. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 765. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 766. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 767. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 768. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 769. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 770. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 771. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 772. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 773. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 774. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 775. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 776. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 777. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 778. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 779. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 780. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 781. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 782. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 783. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 784. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 785. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 786. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 787. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 788. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 789. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 790. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 791. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 792. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 793. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 794. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 795. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 796. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 797. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 798. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 799. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 800. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 801. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 802. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 803. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 804. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 805. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 806. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 807. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 808. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 809. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 810. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 811. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 812. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 813. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 814. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 815. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 816. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 817. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 818. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 819. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 820. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 821. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 822. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 823. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 824. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 825. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 826. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 827. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 828. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 829. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 830. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 831. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 832. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 833. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 834. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 835. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 836. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 837. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 838. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 839. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 840. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 841. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 842. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 843. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 844. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 845. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 846. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 847. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 848. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 849. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 850. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 851. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 852. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 853. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 854. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 855. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 856. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 857. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 860. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 861. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 863. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 864. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 865. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 866. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 867. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 868. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 869. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 870. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 871. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 872. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 873. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 874. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 875. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 876. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 877. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 878. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 879. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 880. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 881. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 882. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 883. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 884. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

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No. 885. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

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No. 886. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 887. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 888. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 889. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 890. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 891. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 892. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 893. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 894. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 895. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 896. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 897. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

Motion to dismiss the Petition for Divorce filed herein by Plaintiff's Attorneys.

No. 898. Isaac Espinosa, Plaintiff, vs. Gracia Espinosa, Defendant.

[illegible] the cause be hereby remanded.

It is further ordered, adjudged and decreed that Appellee herein, Caldwell Electric Co. have and recover of and from Grace Appellant, Appellant herein, and H. G. Pace and G. A. Caudle, sureties on Appellant's bond herein, the costs in this cause, laid at twenty-five ($25.00) Dollars.

Caldwell County, a Municipal Corporation
for the County of Caldwell,
Appellant,
vs.
No. 5184.
Jesse C. Stacy, Successor by Ex-Officio to
Estelle Garfunkel, Assessor of Caldwell
County, Texas,
Appellee.

On Motion to Dismiss Appeal and Affirm the Judgment of the lower court, filed herein by Appellee, having been submitted and by the Court taken under advisement and the Court having considered the same and being fully advised in the premises; it is ordered that said Motion be sustained, the Appeal be dismissed, and the judgment of the lower court in the cause be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee have and recover of and from the Appellant herein, the costs in this cause, taxed at Fifteen ($15.00) Dollars, and the costs in the District Court in their cause herein.

Elm Valley, Ltd. v. Northern
Natural Gas Co.
Appellant,
vs.
No. [illegible]
[illegible]
Appellee.

[illegible]

The [illegible]

It is [illegible]

decreed.

No. 163. Guillermo Romero, Appellant,
vs.
Territory of Arizona, Respondent.

On Her Honor it is ordered that the Appellant be granted
twenty days from this day in which to file his brief, and it is further
ordered that the Respondent have twenty days thereafter to file
its Brief.

No. 164. Simon Roberts, Appellant,
vs.
Territory of Arizona, Respondent.

On this day it is ordered that the Appellant be granted
twenty days from this day in which to file his brief, and it is further ordered
that the Respondent have twenty days thereafter to file its brief.

No. 151. Jules Goffet, Appellant,
vs.
Manuel K. Mata, Appellee.

On motion of Counsel for Appellee, and on filing
his praecipe herein, it is ordered that the Appellee have
thirty days in which to file brief.

Francis Heredia, Charlemagne Tourtillotte and
Edith M. Gray Hayden, Partners, Appellants,
vs.
Carlos M. Ronstadt, Appellee.

On motion it is ordered that the Appellants have twenty
days in which to file brief. And further ordered that Appellee
have twenty days thereafter to file his brief, and
And further ordered that Appellant be granted ten days after

Ordered that Defendant do file his reply by
the 2nd day of May inst.

No. 791. In Equity.

Thomas H. Woodley, Executor of the
Estate of Robert H. Wayne, deceased,
Complainant,
vs.
Edgar H. Evans,
Defendant.

Ordered by the Court that the Defendant have
twenty days from this day in which to file his
plea, answer or demurrer to complainant's
bill of complaint, and it is further ordered that Defendant's
time to answer to complainant's bill of complaint be
enlarged twenty days thereafter in which to file his plea
or demurrer, and it is further ordered that Defendant's
time to answer to complainant's bill of complaint be
enlarged twenty days after the filing of Defendant's plea or demurrer
or reply bill.

No. 792. In Equity.

James Gordon, Alfred Ewell Gordon,
Executors of Ann
Elizabeth Gordon, deceased,
Complainants,
vs.
The Phoenix Light & Fuel Company,
a corporation,
Defendant in Error.

Ordered by the Court that the Defendant in Error, have
twenty days from this day in which to file reply, and
it is further ordered that Executors of Ann Elizabeth Gordon
have twenty days thereafter in which to file reply.

No. 793. In Equity.

Martin Buell, A. Stackhouse
& Albert Yates & Sons,
Complainants,
vs.
The Virginia Coal Company,
a corporation,
Defendant.

Ordered that Complainants have
thirty days from this day in which to file
their replication to the answer of the Defendant.

No. 795 ✓

E. Hayes, Jean Lamoreaux, et al.,
Appellants,
vs.
The Salt River Valley Canal Company, a corporation,
Appellee.

On motion of H. H. Stilwell, Esq. attorney for appellants, it is ordered by the Court that he be granted twenty days from this day in which to file reply brief.

No. 796 ✓

Joseph Courtier, et al.,
Appellants,
vs.
Agricultural Land and Cattle Company, a corporation,
Appellee.

It is ordered by the Court that the appellee have to and including twenty days from this day in which to file brief, and that appellants have to and including twenty days from the time appellee files brief in which to file reply brief.

No. 797. ✓

Ella Valley, Etc. v. Antelope Reservoir Company.

It is ordered by the Court that the appellee have to and including twenty days from this day in which to file brief, and that appellants have to and including twenty days from the time appellee files brief in which to file reply brief.

It is further ordered that appellant

No 801.

John L. Alexander,
Appellee.

In the

It is ordered that appellee have twenty days in which to file brief, and

that appellant ordered that appellee have five days thereafter in which to file reply brief.

L. E. Howard, Appellant,

No. 503. vs.

E. G. Perry, Appellee.

It is ordered by the Court that appellee have twenty days from this day in which to file brief, and

that appellant have ten days thereafter in which to file reply brief.

Lucian O. Knopf, et al., Appellants

No. 513. vs.

City of Quincy, Appellee.

It is ordered by the Court that appellants have to and including the first day of the next term of this Court in which to file their abstract of record and briefs herein, and

that appellee have thirty days thereafter in which to file brief, and

that appellants have ten days thereafter in which to file reply briefs, and

[illegible] Appellants,

No. [illegible] vs.

[illegible] Appellee.

It is ordered by the Court that Appellant have to and including the first day of the next term of this Court in which to file their abstract of record and briefs herein, and

that appellee have thirty days thereafter in which to file brief, and

that appellant have ten days thereafter in which to file reply brief, and

Ordered that Plaintiff's attorney's fees herein be fixed at the sum of $ [illegible] and that defendant pay the same to plaintiff's attorney within [illegible] days from the date hereof.

Dated [illegible]

[illegible]
Judge.

(P. E. Green, Secretary's Docket Entry.)

No. 816.

Appellant,

vs.

Golden Gate Mining & Milling Company, a corporation,

Appellee.

On this cause it is ordered by the Court that the Appellant be granted thirty days from this day in which to file Brief.

It is further ordered that the Appellee herein be granted thirty days thereafter in which to file Brief, and

It is further ordered that the Appellant have ten days after the filing of Appellee's Brief in which to file reply Brief.

No. 807.

Otto A. Gruhl, et al,
Plaintiffs in Error,

vs.

The County of Ouray,
Defendant in Error.

On motion of H. H. Bower, Esq. attorney for Plaintiffs in Error herein, it is ordered by the Court that the time thirty days from this day in which to file Briefs herein be granted to the Appellants in Error herein, and that the Appellee herein be granted twenty days thereafter in which to file Briefs, and that the Appellants have ten days after the filing of Appellee's Brief in which to file reply Brief.

No. 7483.

The South China Trading Company
& Henry H. Smalley, M. E. Hardy,
and R. Christy,

Appellants,

vs.

Henry E. Storey,

Appellee.

Opinion of the Court, by Mitchell, Judge, delivered at the
first day's session, held for the argument of the
January Term, 1903.

Appeal from the Circuit Court of Multnomah County.

Suit to foreclose a mechanic's lien. Decree for plaintiff. Defendants appeal.

Affirmed.

Messrs. Cox & Cox and C. H. Veatch, for appellants.

Messrs. Wilson & Wilson, for respondent.

Col. Bartlett

The Committee on Privileges & Elections, Messrs. Arnold, Ward and Hatch, to whom was referred the petition of Jas. L. Utley et al. praying for the removal of Benjamin J. Franklin, C. C. Leith & A. M. McBride, Loan Commissioners of the Territory of Oregon, Respectfully report that they have had before them and examined Mr. Lewis Arnold and Mr. H. H. Beach.

That the said Mr. Arnold is exceptionally well qualified to be admitted to Practice and to practice law in this Court. But owing to the fact that he has not resided in the Territory the 6 months required by the statute, we are unable to recommend his admission at the present time.

We further find that Mr. Beach, although not known to the Committee personally, has produced the necessary testimonials as to his character and in all other respects we would be glad to recommend his admission.

Jas. H. McCornick
E. N. Lansdown, Jr.
C. E. Cantrell,
Com.

James L. Utley, et al.,
Petitioners,
No. 546. vs.
Benjamin J. Franklin, C. C. Leith & A. M. McBride, Loan Commissioners of the Territory of Oregon,
Defendants.

On motion of H. H. Beach, attorney for Petitioners herein, it is ordered by the Court that C. Secretary Hall of Washington have leave to file bonds.

Regular January Term, 1903.

Supreme Court, Territory of Arizona } January Term, A.D. 1903.

Court-House, Phoenix, Arizona, Monday January 12, 1903.

Court opened at 11 o'clock A.M.

Present Honorable Edward Kent, Chief Justice.
Geo. R. Davis, Associate Justice.
Fletcher M. Doan, " "
Richard E. Sloan, " "
S. M. Cullom, Clerk.
Frederick S. Nave, U.S. Attorney.
United States Marshal, by Deputy.
M. F. Packwood, Crier.
Reese Hardeman, Bailiff.

The following Business was transacted.

No. 165 — Joseph Dent, Appellant, vs. United States of America, Respondent.

On this cause it is ordered that the hearing be set for to-morrow, January 13, 1903.

No. 163 — Emiliano Garcia, Appellant, vs. County of Pinal, Respondent.

[illegible] Garcia, attorney for plaintiff, moved [illegible] and it appearing to the Court [illegible] Court [illegible] it is ordered [illegible].

No. [illegible] — [illegible]

[illegible] it is ordered [illegible].

No. 166. Patrick Tierney, Plaintiff, vs. Timothy Tierney, Defendant.

On motion of E.O. Brickwood Esq. attorney for plaintiff it is ordered that the testimony of Ellen Tierney, be taken for the purpose of perpetuating her testimony.

No. 167. Bettie Tierney, Appellant, vs. Timothy Tierney, Respondent.

On motion of E.O. Brickwood Esq. attorney for appellant it is ordered that the testimony of Ellen Tierney be taken for the purpose of perpetuating her testimony.

Dated, January 13, 1903.

No. 168. Pascual Magyatte, Appellant, vs. Gaston Magyar, Respondent.

It is ordered that this cause be set for hearing upon the testimony taken Jan. 13, 1903.

No. 169. Allen McLane and Minnie McLane, Appellants vs. Timothy Tierney, Respondent.

It is ordered that this cause be set for hearing upon the testimony taken Jan. 13, 1903.

v. On motion of [illegible] it is ordered that [illegible] be and [illegible] hereby [illegible] the [illegible] of [illegible] in the above entitled [illegible] bearing the [illegible] and [illegible]

On motion of E. N. Bakewell Esq, it is ordered that James Horton, who holds a certificate from the Supreme Court of California, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

On motion of H. H. Stilwell Esq, it is ordered that Lewis Acomb, who holds a certificate from the Supreme Court of the State of Michigan, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Oliver O. Morton Esq, it is ordered that Matthew Hopcroft, who holds a certificate from the Supreme Court of the State of Washington, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

On motion of Oliver Morton Esq, it is ordered that James H. Hartman, who holds a certificate from the Supreme Court of the State of Washington, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

No 1015

Joseph Heck,
Complainant,
vs.
United States Marshal
Defendant.

Parties personal Edward McGee, attorney for the Complainant appears, and the Court this day is called for trial of the cause, and a jury

Counsel for the respective parties announce that they are ready for trial, whereupon a jury

duly empanelled and sworn to try the issues joined herein, to wit

No. 1493. Jessie Ray et al., Executrix, etc., Appellant, vs. P. J. Bryant, Appellee.

On motion of L. D. Clayton, Esq., attorney for appellant herein, it is ordered that Messrs. Reid & Reid be added to record.

No. 1494. Arthur J. Edwards, Administrator of the estate of Edward C. Hayden, deceased, Appellant, vs. Charles T. Simon, as Executor of the Last Will & Testament of Sarah T. Simon, deceased, et al., Appellees.

On motion of Geo. P. Ballard, it is ordered that he be allowed to counsel for Rufus J. Lithgow, Appellant herein.

It is ordered that this cause be set for hearing Monday, January 13, at 9:30 o'clock.

Chief Justice.

Supreme Court, [illegible] January Term, 1900.

Present, Hon. [illegible], Justice.

Court opened at 9:30 o'clock A.M.

Present, Honorable Edward Patterson, Chief Justice.

" Wm. A. Davis, Associate Justice.

" Fletcher M. Brown "

" Richard E. Stone "

E. M. Curtin, Clerk.

W. H. Caldwell, Crier.

Wm. Hartwell, Bailiff.

The following cases were reached and disposed of:

No. 775. [illegible] } Stipulated

[illegible] } Dismissed.

No. 776. [illegible] } Stipulated

[illegible] } Dismissed.

No. 778. Samuel Hendricks, Jr. } Stipulated

[illegible] } Dismissed.

In this case this day entered and filed the following opinion:

No. 779. [illegible] } Motion

[illegible] } Granted.

No. 780. [illegible] } Motion

[illegible] } Granted.

[illegible] is allowed for the present to stand on the docket, but is to stand submitted, and the motion to dismiss the appeal, filed herein by appellee

No. 788. Kansas J. Sargent, et al. Appellants
vs.
The District Court of the First Judicial District of the Territory of Oklahoma and for Logan County, and the Hon. Geo. R. Gunn, Judge of said Court, Defendant.

In this cause it is ordered that the hearing hereof for January 16th, 1903.

No. 803. Louisa J. Sargent, et al., Appellants
vs.
City of Lincoln, Appellee.

It is ordered that the hearing of this cause be set for January 16th, 1903.

No. 790. Henry Hearnes, Administrator of the estate of Jerry Neville, deceased, Appellant
vs.
Geo. H. Crowe, Appellee.

On motion of J. L. Blakemore, Esq. for Smith & Ivey attorneys for appellant herein, it is ordered that this cause be set for January 21st, 1903

No. 791. M. M. Feeley, Administrator of the estate of Norman N. Clapp, deceased, Appellant
vs.
Geo. H. Crowe, Appellee.

On motion of J. L. Blakemore, Esq. for Smith & Ivey attorneys for appellant herein, it is ordered that this cause be set for January 21st, 1903

No. 701.

Eden Valley, Ltd. v. Northern Railroad Contractors,

Appellant,

vs.

A. J. Keyes,

Appellee.

Order for rehearing and that this cause be submitted on brief.

No. 709.

Carl E. L. Huff,

Appellant,

vs.

L. Lindsay, Jr. H. Schmidt and Geo. Jaggart,

Appellees.

Order for rehearing by Brand Esq. Attorney for appellant Lewis, Attorney for appellees consenting, it is ordered that this cause be submitted on brief.

No. 619

Geo. San Pietro,

Appellant,

vs.

Board of Trustees of Clover Dell,

Appellees.

Order for rehearing by Brand Esq. Attorney for appellant Lewis, Frederick S. Nave, Esq. Attorney for appellees consenting, it is ordered that this cause be submitted on brief.

No. 823

County of Pierce,

Appellant,

vs.

City of Tacoma, a Municipal Corporation,

Appellee.

Order for rehearing by Brand Esq. Attorney for appellant, filed herein and submitted.

The Mayor, Council and Citizens of the City of Pittsburgh, Appellants,

vs.

The Pittsburgh, Cincinnati and Wheeling Railroad Company, Appellees.

No. 198 ✓

Error to the Court of Common Pleas of Allegheny County.

Argued and submitted by the Court that the cause be proceeded on by Briefs.

Elias Fahy, Chas. Reed and Chas. Reed, Appellants.

vs.

No. 199 ✓

Elias Fahy, Appellee.

Submitted by the Court that this cause be proceeded on by Briefs.

S. H. Van Eyck and John Dalzell, Appellants.

No. 201 ✓

vs.

John L. Alexander, Appellee.

On motion of E. J. Edwards, Esq., attorney for appellee, leave is granted the said Esq. cause to be proceeded on by Briefs.

On motion of J. B. Alexander it is ordered that this day be assigned for hearing of this cause on the 10th day of January 1876 on which day counsel for the parties are instructed to be present & discuss appeal & decision.

Peter R. Smith, Jr., et al., Plaintiffs in Error

vs.

No. 202 ✓

The County of Allegheny, Defendant in Error.

On motion of H. H. Brown Esq., attorney for Plaintiffs in Error, it is ordered that this cause be proceeded on by Briefs.

On motion of Pitt & Moreland Esq., attorneys for Defendant in Error, it is ordered that the time for filing Defendant's Brief and Points be extended to the 10th day of January A.D. 1876.

The Arizona Eastern Ry Co Plaintiff
Southern Pacific Co Defendant
Cochise Co Appellant
Copper Queen Consolidated Mining Co Appellee

No. 808. In the Supreme Court of the Territory of Arizona

Martin Costello, Appellant,
vs.
Thomas Cotter, Appellee.

It is ordered that the motion for further finding of fact, filed herein by attorney for appellee, be submitted.

On motion of Allen A. English Esq., attorney for appellant, it is ordered that the hearing of this cause be set for January 14th 1903.

C. Ellsworth, Plaintiff in Error,
vs.
Territory of Arizona, Defendant in Error.

No. 810. In the Supreme Court of the Territory of Arizona

The Arizona Eastern Railway Co., Appellant,
vs.
The Copper Queen Consolidated Mining Co., Appellee.

It is ordered that this cause be submitted on briefs.

No. 811. In the Supreme Court of the Territory of Arizona

[illegible]

It is ordered that this cause be submitted on briefs and that appellee herein have until [illegible]

January 1913. Argued and submitted for Decision.

No. 802. C. E. Howard, Appellant
vs.
E. A. Feeney, Appellee.

On motion of L. M. Dow, Esq., attorney for appellee herein, it is ordered that the same be submitted on brief.

No. 805. George A. Upton, et al., Appellants
vs.
Albert Meiling, Appellee.

On motion of Galt & Morrison Esq., attorney for appellee herein, it is ordered that the mercy of this Court be extended to and including the 20th day of January 1913, within which to file brief.

No. 806. P. H. Burgwinkel Seed Company a corporation, Appellant
vs.
Empire Gold Mining and Milling Company, a corporation, Appellee.

On motion of J. C. Kenny Esq., attorney for appellant herein, it is ordered that the mercy of this Court be and the same is hereby extended to and including the 15th day of January 1913, within which to file brief.

Plaintiff, Appellee.

vs.

Defendant, Appellant.

Counsel for Plaintiff, Appellee.

Counsel for Defendant, Appellant.

vs.

Defendant, Appellee.

Counsel for Plaintiff, Appellee.

No. 230. In the Supreme Court
of the State of Utah
The Mercantile Credit Company,
Appellant,
vs.
Appeal.
Thomas Bell,
Respondent.

Case and H. H. Stiwell, Esq. attorney for appellant having, and
James Dr. Court that the cause be heard on motion of
Stiwell that the hearing of this cause be set for January
20th, 1903.

On motion of H. H. Stiwell Esq. for appellant, it is
ordered that the hearing of this cause be set for January 20, 1903
for oral argument.

No. 230. In the Supreme Court
of the State of Utah
The Mercantile Credit Company,
Appellant,
vs.
Appeal.
Thomas Bell,
Respondent.

Case and H. H. Stiwell, Esq. attorney for appellant having,
and James Dr. Court that the cause be heard on motion of
Stiwell that the hearing of this cause be set for
January 20th, 1903.

On motion of H. H. Stiwell, Esq. for appellant, it is
ordered that the hearing of this cause be set for January 20,
1903, for oral argument.

No. 230.
Appeal
Appellant
vs.
Respondent

January 20th, 1903.

On motion of [illegible]

ordered that the hearing of this cause be set for hearing on the
oral argument.

The Salt River Valley Canal
Company, et al., Appellants

vs.

Henry E. Kinney,

Appellee.

Cross and H. B. Stiver, Esq., attorney for appellee, having
moved the Court that this cause be heard on oral argument.

It is ordered that the hearing of this cause be set for January
12th, 1903.

Mr. Cross, in person of H. B. Stiver Esq. for appellee, it is ordered
that the hearing of this cause be reset for January 20, 1903, on
oral argument.

No. 748.

The Salt River Valley Canal
Company, et al.,

vs.

Henry E. Kinney,

Appellee.

It is ordered that the hearing of this cause be set for January
12th, 1903.

No. 748.

The Salt River Valley Canal
Company, et al.,

vs.

Henry E. Kinney,

Appellee.

It is ordered that the hearing of this cause be reset for January 20,
1903.

Jan. 13. '03.

No. 786.

Maricopa County,
Appellant,
vs.
J. M. Burnett,
Appellee.

It is ordered that this cause be postponed on Docket.

No. 789.

A. J. Greer,
Plaintiff in Error,
vs.
Mercedes Romero,
Defendant in Error.

It is ordered that this cause be submitted on briefs.

No. 809.

Arthur) Edwards, Administrator
of the estate of Edward P. Tingle, deceased,
Intervenor,
vs.
Charles F. Simms and Geo. F. Simms, as
executors of the last Will and Testament
of James F. Simms, deceased, et al.,
Appellees.

On motion of Walter Bennett, Esq., for appellees, it is ordered that appellees be granted fifteen days in which to file briefs.

No. 810.

Thomas F. Wilson, on behalf of the
Territory of Arizona,
Appellant,
vs.
H. O. Murphy, Geo. H. Vickers, et al.,
Appellees.

On motion of J. L. B. Alexander, Esq., Attorney for Smith v. Greer, it is ordered that for appellant
the hearing of this cause be set for January
21, 1903.

No. 811.

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
Geo. H. Vickers, F. W. Pemberton, and B. Heymann,
Appellees.

On motion of J. L. B. Alexander, Esq. for Smith & Ives, attorneys for appellant, It is ordered that the hearing of this cause be set for January 21, 1903.

No. 812.

Phoenix Light & Fuel Company, a corporation,
Appellant,
vs.
Thos. L. Bennett,
Appellee.

On motion of L. H. Chalmers, Esq., attorney for appellant herein, It is ordered that the hearing of this cause be set for January 23, 1903.

No. 813.

James C. Goodwin, et al.,
Appellants,
vs.
D. A. Tyrrell,
Appellee.

On motion of J. J. Whitemore, Esq., attorney for appellee herein, It is ordered that he be granted ten days to file brief. It is further ordered that the Motion to Dismiss Appeal, filed herein by appellee be submitted

No. 792.

James Goodwin and Addie Gertrude Goodwin,
Plaintiffs in Error,
vs.
The Phoenix Light and Fuel Company, a corporation,
Defendant in Error.

On motion of C. F. Ainsworth Esq., attorney for Defendant in Error, herein, consented to by W. E. Stockwell Esq., attorney for Plaintiffs in Error, It is ordered that this cause be

Jan. 13-03 submitted on briefs.

No. 814. ✓

Maria del Carmel Peregueira, et al.,
Appellants,
vs
Minerva D Kellogg,
Appellee.

It is ordered that this cause be submitted on briefs.

On motion of Jerry Millay Esq. attorney for appellee, It is ordered, in this cause, that appellee have 30 days in which to file his brief. And it is further ordered that appellant have 2 days thereafter to reply.

No. 815 ✓

Charles B. McLean, et al.,
Plaintiffs in Error,
vs
The Territory of Arizona, by
Arthur J. Edwards, District Attorney
of Maricopa County, on the complaint
of N. F. Secrist, et al.,
Defendants in Error.

On motion of Jos. H. Kibbey Esq. for Arthur J. Edwards, It is ordered that the hearing of this cause be set for January 23rd 1903.

On motion of Walter Bennett Esq. for Defendants in Error herein It is ordered that Defendants in Error have fifteen days in which to file briefs. and

On motion of C.F. Ainsworth, Esq. attorney for Plaintiffs in Error, It is ordered that he have five days thereafter to reply.

No. 793. ✓

Lewis Woolley
Appellant,
C.E. Philbrick and W.A. Lockwood,
Defendants,
vs
Maria Hughes,
Appellee.

On motion of O.C. Woodward, Esq, attorney for Appellant herein, it is ordered that he be granted ten days in which to file brief. It is further ordered that motion to dismiss appeal and affirm judgment filed herein by appellee, be passed until

The National Bank of Arizona,
a corporation,
Appellant,

No. 820. v vs

M. W. Kales,
Appellee.

On motion of A. C. Baker, Esq., attorney for appellee herein,
It is ordered that he be granted one day in which to file briefs.
It is further ordered that the hearing of this cause be set for January
23rd, 1903.

Walter Trimble,
Appellant,

No. 166. v vs.

Territory of Arizona,
Respondent.

On motion of W. C. McFarland, Esq., attorney for appellant herein,
It is ordered that the hearing of this cause be set for tomorrow, January
14th, 1903.

The Valley Bank,
Plaintiff,

No. 824 v vs.

Alexander O. Brodie, Isaac T. Stoddard,
W. F. Nichols, Loan Commissioners of
the Territory of Arizona,
Defendants.

In the matter of the application of the Valley Bank for
alternative writ of mandamus upon the Loan Commissioners of the
Territory of Arizona, it is found certain warrants therein mentioned.
On motion of Webster Street, Esq, attorney for Plaintiff herein,
It is ordered that such a writ issue, returnable on the 19th
day of January, 1903.

Jan. 13-'03. Allen McLane and Mortimer McLane,
Appellants
No. 169. v. vs.
Territory of Arizona,
Respondent.

On motion of E. J. Edwards, Esq., attorney for appellants herein, It is ordered that the hearing of this cause be set for today.

Bettie Trimble,
Appellant,
No. 167. v. vs.
Territory of Arizona,
Respondent.

On motion of H. C. McFarland Esq., attorney for appellant herein, It is ordered that the hearing of this cause be set for tomorrow, January 14th 1903.

Pasquel Mazzotte,
Appellant,
No. 168. v. vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted on briefs.

Joseph Dent,
Appellant
No. 165. v. vs.
United States of America,
Respondent

v This cause coming on for hearing was argued by Edward M Doe, Esq., for appellant and Frederick S. Nave, Esq., for respondent, and cause ordered submitted.

v On motion of Frederick S. Nave, Esq. for respondent; It is ordered that he be granted permission to insert additional authority in his brief.

No. 169. ✓

Allen McLane and Montiano McLane,
Appellants,
vs.
Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by E.J. Edwards Esq., for appellants and E.N. Wells, Esq. for appellee, and cause ordered submitted.

On motion of E.N. Wells, Esq., for respondent; It is ordered that he be granted 10 days in which to file brief, and

On motion of E.J. Edwards, Esq., attorney for appellants, It is ordered that he be granted 3 days thereafter to reply, and

It is further ordered that attorney for appellants be granted permission to add additional authority to his brief.

Court took a recess until two o'clock this afternoon.

Two o'clock P.M. Court reconvened.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan "
" Geo. R. Davis "
and the Clerk.

The following business was transacted.

No. 546. ✓

James L. Utter, et al.,
Petitioners,
vs.
B.J. Franklin, Governor; C.O. Leitch, Auditor; and C. McBryce, Secretary, Loan Commissioners of the Territory of Arizona,
Defendants.

On motion of Rochester Ford, Esq., for defendants, It is ordered that the motion to correct transcript of October 31, 1902, filed herein by defendants be submitted.

It is ordered that this court take a recess until 10 o'clock
January 14th, 1903, at 9:30 o'clock A.M.

Edmund Kent Chief Justice.
Associate Justice

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Tombstone, Arizona, Wednesday, January 14, 1903.
Court convened at 9:30 o'clock A.M.

Present: Hon. Edmund Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Purdum, Clerk.
M. H. Calderwood, Sheriff.
Dean Woodward, Bailiff.

The following Testimony was transacted.

The County of Cochise and
M. D. Scribner, County Treasurer and
Ex-Officio Tax Collector,
Appellants
No. 787. vs.
Copper Queen Consolidated
Mining Company,
Appellee.

It is ordered that the Motion to Strike from the filed Reporters Transcript and Motion to Dismiss Appeal, filed herein by appellee, and herein submitted, be and the same are hereby denied.

Exception taken by Appellee.

It is further ordered that the hearing of this cause be set for to-morrow, January 15th 1903.

No. 775 ✓

L. C. Shattuck,
Appellant,
vs.
Martin Costello,
Appellee.

This cause coming on regularly for hearing, was argued by H. H. Barnes, Esq., for appellant and James Reilly, Esq., and Ben Morgan, Esq., for appellee, and cause ordered submitted.

No. 796. ✓

Joseph Curtis, et al.,
Appellants
vs.
Esperilla Land and Cattle Company,
Appellee.

This cause coming on for hearing was argued by Ben Morgan, Esq., for appellants, and Allen R. English, Esq., for appellee, and cause ordered submitted.

No. 808. ✓

The Congress Eastern Montana Smelting,
Ore Purchasing and Development Company,
The Turquoise Mining Company, and
Lorge H. Seamore,
Appellants,
vs.
Martin Costello,
Appellee.

This cause coming on regularly for hearing, was argued by Allen R. English, Esq., for appellants, and James Reilly, Esq., for appellee, and cause ordered submitted.

No. 166. ✓

Wallis Trimble,
Appellant
vs.
Territory of Arizona,
Respondent.

This cause coming on for hearing, was argued by H. C. McRichards, Esq., for appellant and C. M. Shannon, Esq., for respondent, and cause ordered submitted.

Jany. 14-'03

No. 167.

Bettie Trimble,
Appellant
vs.
Territory of Arizona,
Respondent.

This cause coming on regularly for hearing, was argued by H. C. McFarland, Esq., for appellant and E. H. Wells, Esq., for respondent, and cause ordered submitted.

On motion of Robt. E. Morrison, Esq., it is ordered that Roscoe Dale, Esq., who holds a certificate from the Supreme Court of Pennsylvania, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

It is ordered that this court take a recess until tomorrow, January 15th 1903, at 9.30 o'clock A. M.

Concurrent

Chief Justice
Associate Justice
" "
" "

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona, Thursday, January 15th 1903.

Court opened at 9:30 o'clock A.M.

Present, Honorable Edward Kent, Chief Justice,
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S.M. Cullom, Clerk
M. H. Calderwood, Crier.
Dean Woodward, Bailiff

The following business was transacted.

Lewis Hoffley,
Appellant,
C.E. Chilcott and H.B. Lockwood,
Defendants

No. 793. vs.

Bonas Hughes,
Appellee.

The Motion to Dismiss Appeal and Affirm Judgment, filed herein by appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby denied.

The City of Prescott,
Appellant,

No. 821 vs.

T. C. Hill,
Appellee.

The Motion to Dismiss Appeal filed herein by appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby granted, and the appeal be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that T.C. Hill, appellee herein, do have and recover of and from the City of Prescott, appellant herein, the costs herein incurred, taxed at Thirteen ($13.00) dollars,

52

Dec. 15-'03.

County of Pima,
Appellant
No. 823. vs.
City of Tucson, a Municipal Corporation,
Appellee.

The Motion to affirm Judgment of the lower court on Short-Transcript, filed herein by appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the County of Pima, appellant herein, its costs in this court herein, taxed at fifteen and 75/100 ($15.75) dollars, and its costs in the court below in this cause incurred.

Lewis Wolfley,
Petitioner,
No. 732. vs.
Nathan O. Murphy, et al.,
Defendants.

The Petition for Writ of Mandamus filed herein, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Petition be and the same is hereby denied.

It is further ordered, adjudged and decreed that the defendants herein, Nathan O. Murphy, E. H. Vickers and Charles H. Akers, constituting the Board of Supervisors of the County of

Arizona, and John A. Black, have judgement against the Petitioner Lewis Wolfley

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James L. Utter, et al.,

Plaintiffs,

No. 546 v

-vs-

B. J. Franklin Governor; C. P. Leitch, Auditor; and C. M. Bruce, Secretary, Loan Commissioners of the Territory of Arizona,

Respondents.

The motion of respondents to correct the mandate issued herein on October 31, 1902, by striking out from it all the additional cost contained in the judgment of this court of March 22, 1901, to-wit: the additional words "together with legal interest on all defaulted coupons from the date of their maturity," and also the additional words "or belonging thereto", and also the additional word "coupons"; having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises; It is ordered that said motion be and the same is hereby granted, and the said writ of October 31, 1902, is corrected by striking out from it all said additional words, so as to make it conform to the language of the judgment of March 22, 1901

S. H. Van Slyck and John Doe (true name),

Appellants,

No. 801. v

-vs-

John L. Alexander,

Appellee.

Counsel and E. J. Edwards Esq., attorney for appellants, heard in person the Court to-day on the appeal herein and thereupon the same being fully considered by the Court, it is ordered that said appeal herein be and the same is hereby dismissed.

Jan 15 '03.

Lewis Hinsley,
Appellant;
C. E. Philes and H. C. Lockwood,
Defendants;
No. 793. V

75

Moses Hughes,
Appellee.

It is ordered that the hearing of this cause be set for January 20th, 1903.

The National Bank of Arizona,
a corporation,
Appellant
No. 820. V
vs.
M. N. Kales,
Appellee.

On motion of A. C. Baker, Esq, attorney for appellee herein, It is ordered that the Motion to affirm the Judgment of the lower court, filed herein by appellee, be submitted.

Martin Costello,
Appellant,
No. 784. V
vs.
Samuel Friedman and O. J. Delahanty,
Appellees.

This cause coming on regularly for hearing, was argued by James Reilly Esq. and Wm Herring, Esq, for appellant and John B. Wright, Esq, for Appellees, and cause ordered submitted.

The County of Cochise and M. D. Scribner,
County Treasurer, and Ex-Officio Tax Collector,
Appellants,
No. 787. V
vs.
Copper Queen Consolidated Mining
Company,
Appellee.

This cause coming on for hearing was argued by Mr. C. E. Faulkner Esq, for Appellants and Wm Herring Esq,

for appellee, and cause ordered submitted.

It is ordered that this Court take a recess, until to-morrow, January 16th 1903, at 9:30 o'clock.

Edward Kent Chief Justice

Associate Justice

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona, Friday, January 16th 1903.

Court opened at 9:30 o'clock A.M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan,

S. M. Cutler, Clerk.
M. K. Coldwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

James C. Hawkins, et al.,
Appellants,
vs.
No. 813. D. A. Jewell,
Appellee.

The Motion to Dismiss Appeal, filed herein by appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is ordered that said Motion be and the same is hereby denied.

Jany. 16 '03

No. 818. V

The Tungsten Copper Mining and Smelting Company, a corporation, Appellant

vs.

The Copper Bell Mining Company, a corporation, Appellee.

The motion of Appellee to affirm the judgment of the lower court in this cause, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is ordered that said motion be granted and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein, do have and recover of and from The Tungsten Copper Mining and Smelting Company, a corporation, appellant herein, and G. H. Vanderwalker and M. J. Soto, sureties on appeal bond herein, its costs in this court taxed at fifteen and 75/100 ($15.75) Dollars, and its costs in the court below in this cause incurred.

No. 808 V

The Arizona, Eastern and Montana Smelting, Ore Purchasing and Development Company; The Imperial Mining Company, and Geo. H. Seaverns, Appellants,

vs.

Martin Costello, Appellee.

The motion for findings of fact, filed herein by appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be, and the same is, hereby, denied.

No. 825 ✓ In the Matter of the Application of H. H. Chapman for a Writ of Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

It is ordered that the motion for Writ of Certiorari filed herein, be submitted...

No. 546. ✓ James L. Utter et al., Petitioners, vs. D. J. Franklin, Governor, et al., Law Commissioners of the Territory of Arizona, Respondents.

It is ordered that the motion to extend the time in which to prepare return to the writ of Mandate, be submitted...

No. 788. ✓ Lorrin J. Bamford and Jesse A. Bamford, his Husband, Plaintiffs, vs. The District Court of the First Judicial District of the Territory of Arizona, and the Hon. Geo. R. Davis, Judge of said Court, Defendants.

Wm. Reese moving for Leave to Amend by Order of Court, Esq. for Plaintiffs and Wm. Herring, Esq. for Defendants, and Reese & Reese, Esq., for Defendants, and cause submitted.

Jan. 16-'03 — Lemuel J. Sanford, et al., Appellant,
No. 803. — vs.
City of Tucson, Appellee.

This cause coming on for hearing was argued by Owen T. Rouse, Esq., and D. F. Sladden, Esq., for Appellant and Roscoe Dale Esq. for appellee, and cause ordered submitted.

In the Matter of the Application of N. H. Chapman for a Writ of
No. 825. — Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

Upon reading and filing the affidavit of N. H. Chapman for a Writ of Certiorari herein, to be directed to the Board of Supervisors of Graham County, Territory of Arizona, to review its record and proceedings by which one N. H. Settle, was after the 4th day of November A.D., 1902, appointed a Justice of the Peace of Morenci Precinct, in the County of Graham, said Territory, or any certificate of election to said office issued or delivered to him by said Board or under its authority, or by any officer thereof, and on motion of Herring & Mitchell, attorneys for said affiant,

It is ordered, that the Clerk of this Court forthwith issue a Writ of Certiorari directed to the Board of Supervisors of the County of Graham, Territory of Arizona, commanding said Board to certify fully to the Supreme Court of the Territory of Arizona, at the District Court House, in the city of Phoenix, in the County of Maricopa, said Territory, on or before the 23d day of January A.D. 1903, the record and proceedings of said Board by which one N. H. Settle was after the fourth day of November A.D. 1902, appointed a Justice of the Peace in Morenci Precinct in the County of Graham aforesaid or any certificate of election to said office issued or delivered to him the said Settle, by said Board or under its authority or by any officer thereof, in order that the same may be reviewed by this Court, and that upon same the same to said Writ.
And said Clerk is ordered to [illegible] the said Writ returnable

before said Supreme Court at the District Court House at the City of Phoenix, said Territory on Friday the 23d day of January A.D. 1903, at the hour of 9:30 A.M. of said day.

And it is further ordered that a duly certified copy of the affidavit of W.H. Chapman filed herein and of the Motion herein, be served on said Board with said writ.

James L. Allen, et al.,
Petitioners,

No. 546. vs.

A.J. Franklin, Governor, et al.,
Board Commissioners of the
Territory of Arizona,
Respondents.

It is ordered that the motion to extend the time in which to make return to the Writ of Mandate issued herein, be granted, and respondents have 60 days from this day in which to make returns.

It is ordered that this Court take a recess until Monday, January, 19-1903, at 9:30 A.M.

Edward Kent
Chief Justice.
Associate Justice.

Jany-19-03. Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona Monday January 19, 1903.

Court opened at 9:30 o'clock A. M.

Present: Honorable, Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice
" Fletcher M. Doan " "
" Geo. R. Davis " "
S. M. Cullen, Clerk
M. K. Calderwood Crier.
Dean Woodward, Bailiff.

The following business was transacted:

Axel H. Hallenborg and J. Edward Addicks,
Appellants
No. 822. vs.
Cobre Grande Copper Company, et al.,
Appellees.

Comes now J. F. Wilson, Esq, for Appellants, and moves the Court to grant appellants motion to set this cause for hearing at some time during the present term of court and extend the one hour limit for argument.

It is ordered that this motion be passed for the present, and if presented Friday morning, January 23-1903, will be considered.

Martin Gould, et al.
Appellants,
No. 794. vs.
The Maricopa Canal Company,
a corporation,
Appellee.

This cause coming on regularly for hearing was argued by E. W. Lewis for appellants and C. F. Ainsworth, Esq. for appellee, and cause ordered submitted.

No. 795 ✓

E. Noyes, Jean Lamazon, et al.,
Appellants,
vs.
The Salt River Valley Canal Company,
a corporation,
Appellee.

This cause coming on regularly for hearing, was argued by E. H. Lewis, Esq., for appellants and C. F. Ainsworth, Esq., for appellee and cause ordered submitted.

No. 824. ✓

The Valley Bank,
Plaintiff,
vs.
Alexander O. Brodie, Isaac J. Stoddard, N. F. Nichols, Loan Commissioners of the Territory of Arizona,
Defendants.

On motion of Webster Street, Esq., attorney for plaintiff herein, attorney for defendants consenting, It is ordered that the City of Tombstone of the Territory of Arizona be made a party defendant to this action and that the issues of fact raised by the petition of plaintiff and the answer of the defendants, the Loan Commissioners of Arizona, be tried as between the said petitioners and the City of Tombstone of the Territory of Arizona;

That said cause be referred to George B. Wilcox, of Tombstone, Arizona, to take evidence and report the same to this court; that said Referee be empowered to summon before him all witnesses required either upon the part of the petitioners, the respondents, the Loan Commissioners of Arizona, or the defendant, the City of Tombstone of the Territory of Arizona, and to set a time for the taking of the evidence of such witnesses; that the evidence be reduced to writing by question and answer, as well as all objections made by either party to either the questions or the answers;

That said Referee have power, and is hereby authorized to administer to all such witnesses the oath required by law to be administered to witnesses, and that said Referee take and report with his findings thereon all testimony, and that said Referee be empowered to do all things necessary to enable him to prepare his report herein and certify all evidence taken by witnesses summoned by him

Jany. 1903 ts: answer questions in this case, as well as all questions of said witnesses, and when such evidence is taken, to immediately report the same to this court.

The National Bank of Arizona,
a corporation,
Appellant,
vs
M. W. Kales,
Appellee.

No. 820.

See minutes of Jany. 20th.

The motion to affirm the judgment of the lower court, filed herein by appellee, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be granted and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that M. W. Kales, appellee herein do have and recover of and from The National Bank of Arizona, a corporation, appellant herein,

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S. H. Van Slyck and John Doe Crowe,
Appellants,
vs.
John L. Alexander,
Appellee.

No. 801.

The motion of appellee to dismiss the appeal herein, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises; It is ordered that said motion be granted and the appeal be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that [illegible]

~~Alexander, appellee herein, do have and recover of and from~~
S. H. Van Slyck

Peter R. Brady, Jr., et al.,
Plaintiffs in Error,

No. 807. -vs-

The County of Pinal,
Defendant in Error.

On motion of Robt. E Morrison, Esq., attorney for Defendant in Error herein; It is ordered that Jas. E. O'Connor, be admitted to practice in this court in this cause.

R. N. Burmister & Sons Company,
a corporation,
Appellant,

No. 806. -vs-

Empire Gold Mining and Milling
Company, a corporation,
~~Appellee.~~

It is ordered that this Court take a recess until tomorrow, January 20th 1903, at 9:30 o'clock A. M.

Chief Justice.
Associate Justice.
" "
" "

Jany. 20. 1903. Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona, Tuesday January 20, 1903.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Cullom, Clerk
M. H. Calderwood, Crier
Dean Woodward, Bailiff.

The following business was transacted.

The National Bank of Arizona,
a corporation,
Appellant,
No. 820. vs.
M. W. Kales,
Appellee.

The motion to affirm the judgment of the lower court, filed herein by appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises; It is ordered that said motion be granted, and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that M. W. Kales, appellee herein, do have and recover of and from The National Bank of Arizona, a corporation, appellant herein, and E. Ganz and S. Oberfelder, sureties on appeal bond herein, his costs in this court, taxed at nine and 25/100 Dollars, and his costs in the court below, in this cause incurred.

S. H. Van Slyck and John Doe Cross,
Appellants,
No. 801. vs.
John L. Alexander,
Appellee.

The motion to affirm the judgment herein, having been heretofore submitted and by the Court taken

consideration, and the Court having considered the same, and being fully advised in the premises; It is ordered that said motion be granted, and the appeal be and the same is hereby dismissed.

It is further ordered, adjudged and decreed, that John L. Alexander, appellee herein, do have and recover of and from S. N. Van Sleyck, appellant herein, his costs in this court taxed at, ten ($10.00) dollars.

No. 807 ✓

Peter R. Brady, Jr., et al.,
Plaintiffs in Error,
-vs-
The County of Pinal,
Defendant in Error.

On motion of Robt. E. Morrison, Esq., attorney for defendant in error, herein, It is ordered that Jas. E. O'Connor, Esq., be admitted to practice in this court in this cause.

No. 806. ✓

R. N. Bernheimer & Sons Company, a corporation,
Appellant,
-vs-
Empire Gold Mining and Milling Company, a corporation,
Appellee.

This cause coming on regularly for hearing was argued by J. L. Morris, Esq., for appellant, and cause ordered submitted.

On motion of J. L. Morris, Esq., attorney for appellants, It is ordered that he be granted permission to attach additional authorities to his brief filed herein.

Perry 20-103 Lewis Woolley Appellant,
26 Phila & N.A. Lockwood, Defendants,
No. 793. vs.
Moses Hughes
Appellee.

On motion of J.B. Woodward, Esq., attorney for appellant Lewis, and agreed to by attorney for appellee, it is ordered that this cause be submitted on brief.

George B. Upton, et al.,
Appellants,
No. 805. vs.
Albert Heisling,
Appellee.

This cause coming on for hearing was argued by F.G. Norris Esq., for appellants, and Robt. E. Morrison Esq., for appellee, and cause ordered submitted.

On motion of Robt. E. Morrison, Esq., attorney for appellee, Lewis, it is ordered that he be granted 7 days in which to file his brief. and

On motion of F.G. Norris, Esq. for appellants, it is ordered that he have 3 days thereafter to file reply brief.

It is ordered that this Court take a recess until Tuesday, January 21st 1903, at 9.30 o'clock A.M.

Chief Justice.
Associate Justice.
" "
" "

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona, Wednesday January 21-1903.
Court convened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
E. M. Culton, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

No. 810 ✓

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
N. O. Murphy, et al.,
Appellees.

On motion of Robt. E. Morrison, Esq., for appellees, and agreed to by E. S. Ives, Esq., attorney for appellants, It is ordered that appellant have until Friday morning, January 23rd 1903, to answer motions of appellees to affirm the judgment of the lower court and to dismiss appeal and affirm judgment.

It is further ordered that oral argument in this cause will be heard after the motions filed herein by appellees have been disposed of.

No. 811. ✓

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
Geo. H. Vickers, et al.,
Appellees.

On motion of Robt. E. Morrison Esq., for appellees, and agreed to by Edward S. Ives, Esq., attorney for appellant, It is ordered that appellant have until Friday January 23rd 1903, to answer motions of appellees to dismiss appeal

Jany 21-'03 and affirm judgment.

It is further ordered that oral argument in this cause will be heard after the motion filed herein by appellee has been disposed of.

Henry Harmon, Admr,
Appellant,
No. 790. vs.
Geo. W. Crowe,
Appellee.

This cause coming on for hearing was argued by Eugene S. Ives, Esq., for appellant and Frank H. Hereford Esq., for appellee, and cause ordered submitted.

M. M. Dickey, Admr,
Appellant,
No. 791. vs.
Geo. W. Crowe,
Appellee.

This cause coming on for hearing was argued by Eugene S. Ives, Esq., for appellant, and Frank H. Hereford, Esq., for appellee, and cause ordered submitted.

It is ordered that this Court take a recess until tomorrow January 22nd, 1903, at 9:30 o'clock, A.M.

Chief Justice,
Associate Justice.

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona, Thursday January 22-1903.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. David, " "
S. M. Cullom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

On motion of W.H. Stilwell Esq., It is ordered that Lewis G. David, Esq., who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Martin Gould,
Appellant,
vs.
No. 738. v
The Maricopa Canal Company,
a corporation,
Appellee.

This cause coming on for hearing was argued by W.H. Stilwell Esq., for appellant and C.F. Ainsworth Esq., for appellee, and cause ordered submitted.

Jas. D. Marlar,
Appellant,
vs.
No. 739. v
The Maricopa Canal Company,
a corporation,
Appellee.

This cause coming on for hearing was argued by W.H. Stilwell Esq., for appellant and C.F. Ainsworth Esq., for appellee, and cause ordered submitted.

Jany 22-'03 Jon Buckman,
Appellant
No. 740. v. vs.
The Grand Canal Company,
a corporation,
Appellee.

This cause coming on for hearing was argued by N. H. Stilwell, Esq., for appellant and C. F. Ainsworth Esq., for appellee, and cause ordered submitted.

The Salt River Valley Canal
Company, et al.,
Appellants,
No. 742. v. vs.
Henry E. Hoover,
Appellee.

This cause coming on for hearing was argued by C. F. Ainsworth Esq., for appellant and N. H. Stilwell Esq. for appellee, and cause ordered submitted.

Charles B. McLean, et al.,
Plaintiffs in Error,
No. 815. v. vs.
The Territory of Arizona, by Arthur J.
Edwards, District Attorney of Maricopa
County, on the complaint of H. F. Secrist, et al.,
Defendants in Error.

On motion of C. F. Ainsworth, Esq., attorney for Plaintiffs in Error, it is ordered that J. J. Lipsohn Esq. be entered of counsel for Plaintiffs in Error.

It is ordered that this Court take a recess until tomorrow, January 23rd, 1903, at 9:30 o'clock A. M.

[signature], Chief Justice.
Associate Justice.
" "
" "

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona. Friday, January 23 - 1903.

Court opened at 9:30 o'clock A.M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis " "
S. M. Culbom, Clerk.
M. H. Calderwood Crier.
Dean Woodward, Bailiff.

The following proceedings were transacted.

No. 822. Axel H. Hallenborg, et al., Appellants, vs. Cobre Grande Copper Company, et al., Appellees.

It is ordered that the motion to set cause for hearing at motion during the present term of court and to extend the one hour limit for argument, filed herein by appellants, be continued until March 2nd 1903.

On motion of J. C. Herndon, Esq., attorney for appellees herein, It is ordered that he have until May 1st 1903 in which to file briefs.

No. 825. In the matter of the Application of W. H. Chatman for a Writ of Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

It is ordered that the hearing of this cause be set for February 24th 1903.

Jany 23 '03 Phoenix Light & Fuel Company,
a corporation,
Appellant,
No. 812. vs.
Thos. D. Bennett,
Appellee.

This cause coming on for hearing, was argued by J.C. Herndon, Esq. and L.N. Chalmers, Esq., for appellant, and A.C. Baker, Esq., and Alfred Franklin Esq., for appellee, and cause ordered submitted.

On motion of J.C. Herndon, Esq., It is ordered that appellant have 5 days in which to file reply brief.

On motion of Alfred Franklin, Esq., for appellee herein, It is ordered that he be granted permission to insert additional authority in his brief.

Charles B. McLean, et al.,
Plaintiffs in Error,
No. 815. vs.
The Territory of Arizona, by Arthur J. Edwards, District Attorney of Maricopa County, in the complaint of H.F. Secrist, et al.,
Defendants in Error.

On motion of I.J. Lipschutz, Esq., for Plaintiffs in Error attorney for Defendants in Error consenting, It is ordered that this cause be submitted on briefs.

It is further ordered, on motion of I.J. Lipschutz, Esq., that Plaintiffs in Error herein have until January 27th 1903, in which to file reply brief.

It is ordered that this Court take a recess until Tuesday February 24th, 1903, at 9:30 o'clock A.M.

Chief Justice.
Associate Justices.

Supreme Court, } January Term, A. D. 1903.
Territory of Arizona. } Phoenix, Arizona. Tuesday, February 24, 1903.

Court opened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis " "

S. M. Cullum, Clerk.
M. H. Calderwood, Crier.
Sean Woodward, Bailiff.

The following business was transacted.

United States of America,
Appellant,
vs.
No. 526 Lin Hing,
Appellee.

In this cause it is ordered that the appellant be granted until February 27th, 1903, in which to file brief.

The N. K. Taggart Mercantile Company, a corporation,
Appellant,
vs.
No. 800. W. H. Clark,
Appellee.

On motion of Webster Street Esq. for E. E. Ellinwood Esq. attorney for appellant herein, It is ordered that appellant be granted permission to file reply brief.

On motion of F. G. Norris Esq. It is ordered that Le Roy Anderson Esq. who holds a certificate from the Supreme Court of the State of Illinois be admitted to practice in this court pro hac vice upon the Roll of Attorneys and taking the usual oath.

Feby. 24th '03 ..... On motion of Thos. Flannigan, Esq., It is ordered that J.E. O'Connor, Esq., who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court, upon signing the Roll of Attorneys and taking the usual oath.

In the Matter of the Application of W. H. Chapman for a Writ of Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

No. 825 ✓

It is ordered that the Petition of W. H. Settle for leave to intervene, filed herein, be and the same is hereby denied.

In the Matter of the Application of W. H. Chapman for a Writ of Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

No. 825 ✓

This cause coming on for hearing was argued by Thomas Mitchell, Esq., for Petitioner, and Frank H. Hereford, Esq., as Amicus Curiae, and cause ordered submitted.

a ✓

It is ordered that the Petition of W. H. Settle, for leave to intervene, filed herein and heretofore submitted, be and the same is hereby denied.

✓

It is ordered that this Court take a recess until to-morrow, February 25th, 1903, at 9:30 o'clock A. M.

Edmund Kent Chief Justice.

Associate Justice.

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona, Wednesday February 25, 1903.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Purdom, Clerk,
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

No 825. ✓ In the Matter of the Application of W. H. Chapman for a Writ of Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

The cause having been heretofore argued upon the return of the Board of Supervisors of Graham County, to the Writ of Certiorari heretofore issued out of this Court, by Thomas Mitchell Esq., of Petitioners attorneys, and Frank H. Hereford Esq, as Amicus Curiae, and it appearing to the Court that the return of the Board of Supervisors of Graham County aforesaid is defective because not sufficiently definite to enable the Court to review their action on the premises, it is now ordered that a further return be ✓ made to said Writ of Certiorari, certifying fully and at length to this Court the record of the proceedings of said Board of Supervisors in canvassing the returns of the election on November 4, 1902, for a justice or justices of the peace of Morenci Precinct No. 11 Graham County aforesaid and of the statement and declaration of the result of said canvass, and of any certificate or certificates of election to the office of justice in said Precinct thereupon ordered or issued by said Board to any person or persons other than W. H. Settle with the date of each proceeding together with all their other doings, if any, in the premises by the election of a justice or justices of the peace in said Precinct; and the said Board of Supervisors are hereby ordered and strictly required to have such return before this Court on or upon the 4th day of March, A.D. 1903, at Phoenix, Arizona, at 10 o'clock

Feb. 25-'03. And it is further ordered that this order be served upon the Board of Supervisors by delivering a certified copy thereof to the Clerk of the Board, and that said service be made by any person competent to serve process issued out of the District Court.

It is ordered that this Court take a recess until tomorrow February 26th, 1903, at 9:30 o'clock A.M.

Edward Kent Chief Justice.

" Associate Justice.

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix Arizona, Thursday, February 26-1903.

Court convened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S.M. Cudlom Clerk.
J.H. Campbell, Asst. United States Attorney.
M.H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

On motion of H.B. Wilkinson, Esq, It is ordered that John H. Campbell, Esq, who holds a certificate from the Supreme Court of New Mexico, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

In the matter of the account of the Clerk of this Court for per diem for the quarter ending December 31st, 1902, presented for allowance, the following order was made in open court.

Whereas, Shelby Mc. Cullom, Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account for his official services from the seventeenth day of October, 1902, to the thirty-first day of December 1902, with the items thereof, in the presence of the United States District Attorney, and has, by his oath attached to the account proved to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated; and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to Fourteen and 60/100 ($14.60) Dollars, be, and the same is hereby, approved.

It is hereby certified that upon each day for which a per diem is charged in this account, the Court was opened for business and the Judges present and presiding.

February 26th 1903.

Edward Kent,
Chief Justice Supreme Court
Territory of Arizona.

It is ordered that this Court stand adjourned until Wednesday March 18th 1903. at 9:30 o'clock, A.M.

Edward Kent Chief Justice.
Associate Justice.

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona } Phoenix, Arizona, Wednesday March 18-1903.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Cullom, Clerk
M. N. Calderwood, Crier
Dean Woodward, Bailiff.

The following business was transacted:

No. 737 — Henry E. Slosser, Appellant — vs. — Salt River Valley Canal Company, Appellee. — Error.

On motion of W. H. Stilwell, Esq., attorney for Appellant herein, It is ordered that he be granted leave to file supplemental brief in this cause.

It is further ordered that the Appellee herein have twenty days in which to file reply brief.

No. 738 — Martin Gould, Appellant, — vs. — The Maricopa Canal Company, a corporation, Appellee.

On motion of W. H. Stilwell, Esq., attorney for Appellant herein, It is ordered that he be granted leave to file supplemental brief in this cause.

It is further ordered that the Appellee herein have twenty days in which to file reply brief.

No. 825 — In the matter of the Application of W. H. Chapman for a Writ of Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

This cause came on regularly for hearing and was argued by Hannis Mitchell Esq. for Petitioner and Chas. A. Rawlins for Respondent and Frank H. Norgent Esq. as Amicus Curiae, and cause ordered submitted.

No. 739.

James D. Marlar,
Appellant
vs.
The Maricopa Canal Company,
a corporation,
Appellee.

On motion of H. H. Stilwell, Esq., attorney for Appellant herein, It is ordered that he be granted leave to file supplemental brief in this cause.

It is further ordered that the Appellee herein have twenty days in which to file reply brief.

No. 740.

Tom Brockman,
Appellant,
vs.
The Grand Canal Company,
a corporation,
Appellee.

On motion of H. H. Stilwell, Esq., attorney for Appellant herein, It is ordered that he be granted leave to file supplemental brief in this cause.

It is further ordered that the Appellee herein have twenty days in which to file reply brief.

No. 742.

The Salt River Valley Canal Company,
J. H. Evans, H. D. Fulwiler,
H. E. Hurley and J. M. Christy,
Appellants
vs.
Henry E. Evans,
Appellee.

On motion of H. H. Stilwell, Esq., attorney for Appellee herein, It is ordered that he be granted leave to file supplemental brief in this cause.

It is further ordered that the Appellants herein have twenty days in which to file reply brief.

Mch-18-1903. Thomas C. Biggs, et al.,
Plaintiffs and Appellants,
No. 744. vs.
The Utah Irrigating Ditch Company, et al.,
Defendants and Appellees
Elwood Hadley, United States Indian Agent,
Intervenor and Appellant.

Comes now W. H. Stilwell, Esq., attorney for Plaintiffs and Appellants herein, and moves the Court to strike statement of facts on appeal to United States Supreme Court and to grant a hearing on settlement of facts to be used on such appeal, whereupon the Court granted a hearing, and set the same for March 19, 1903, at nine o'clock A. M. in Chambers.

On motion of Geo. Christy, Esq, that Frank J. Duffy be admitted to practice in this Court, the Court appointed Messrs Geo. Christy, T. G. Norris and Frank H. Hereford, a committee to conduct examination and report at two o'clock this afternoon.

The Court took a recess until two o'clock this afternoon.

Court re-convened at 2 o'clock P. M.
Present: His Honor Edward Kent, Chief Justice.
" " Richard E. Sloan, Associate Justice.
" " Fletcher M. Doan, " "
" " Geo R. Davis " "
and the clerk.
The following business was transacted.

To the Honorable Supreme Court of the Territory of Arizona.
We, your committee appointed to examine Mr Frank J. Duffey upon his application to become a member of the Bar of this Court, have examined Mr Duffey, together and in the presence of each other, and find him possessed of a good education and reputation for truth and honor. That he is well grounded in the principles of the law and in the ethics of the profession. That he is a bona fide resident of the Territory and in our judgement a worthy applicant for admission to practice, and we therefore

recommend his admission to this bar.
Phoenix, A.T. Mar. 18, 1903.

Respectfully submitted,
George L. Christy
G. G. Harris
Frank H. Hereford

The Committee appointed to examine Frank J. Duffy, as to his qualifications to practice in this court, reporting favorably, It is ordered by the Court that he be admitted to practice in this court upon signing the roll of attorneys and taking the usual oath.

It is ordered that this Court take a recess until Friday, March 20, 1903, at 9:30 o'clock A.M.

Edward Kent Chief Justice
Associate Justices

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona. } Phoenix, Arizona. Friday, March 20, 1903.

Court convened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Calloway, Clerk.
M. H. Calderwood Crier.
Dean Woodward, Bailiff.

The following business was transacted -

No 164 v

Simon Alderete,
Appellant
vs.
Territory of Arizona,
Respondent.

The cause having been regularly submitted and by the

Mch. 20-'03. Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the court below be and the same is hereby affirmed.

Walter Trimble,
Appellant,
No. 166. v
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below be and the same is hereby affirmed.

Bettie Trimble,
Appellant,
No. 167. v
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby reversed, the case ordered dismissed and the defendant discharged.

Martin Gould, A. Stankweather, J. D. Craft and Alvin G. Smoot,
Appellants,

No. 794. vs.

The Maricopa Canal Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellants herein, Martin Gould, A. Stankweather, J. D. Craft and Alvin G. Smoot, and J. M. Sears and J. T. Hughes, executors on appeal bond, its costs in this court taxed at twenty-six and 90/100 ($26.90) dollars, together with its costs in the court below in this cause incurred, taxed at Seventy-eight and 10/100 ($78.10) Dollars.

E. Hayrie, Juan Larragoa, E. Smoot,
A. Heiler, J. H. Williams, J. C. Jackson,
E. Shoemaker, J. B. Nelson, C. Aguirre,
John Nelson, Celso Nelson, H. E. Stover,
Henry Coughran, C. A. Mc Donald,
C. Stickley, J. M. Mack, Robt. Hudson,
and H. G. Van Fossen,
Appellants,

No. 795. vs.

The Salt River Valley Canal Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from E. Hayrie

Mch. 20-'13. Jean Lemagan, E. Dermet, A. Heuler, J. H. Hilliard, J. C. Jackson, E. Shoemaker, J. A. Riley, C. Lazier, John Redon, Peter Heeny, H. E. Stover, Henry Coughran, C. A. McDonald, H. Stickley, J. M. Hall, Robert Haudson, and H. G. Van Loreen, Appellants herein, and J. D. Crabb and Jas. I. Gibson, sureties on appeal bond, its costs in this court taxed at twenty-eight and 50/100 ($28.50) dollars, together with its costs in the court below taxed at One hundred and fifty nine and 90/100 ($159.90) dollars.

Gila Valley, Globe & Northern Railroad Company, a corporation,

Appellant

No. 798. vs.

Gila County,

Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below be and the same is hereby reversed, and the cause remanded for a new trial.

It is further ordered, adjudged, and decreed, that the Appellant herein do have and recover of and from Gila County the appellee herein its costs in this court taxed at thirty-eight and 45/100 ($38.45) dollars.

George W. Seaverns,

Appellant,

No. 808. vs.

Martin Costello,

Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below be and the same is hereby affirmed.

It is further ordered adjudged and decreed that Martin Costello, the appellee herein, do have and recover of and from George W. Seaverns, appellant herein, and Paul B. Muranetzer and John Berdinger, sureties on appeal bond herein, his costs in this court taxed at forty and 60/100 ($40.60) Dollars, together with his costs in the court below, taxed at one hundred and three and 10/100 ($103.10) Dollars. And have execution therefor.

No. 800.

The H. H. Taggart Mercantile Company, a corporation,
Appellant
vs.
H. H. Clack,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that H. H. Clack, the appellee herein, do have and recover of and from The H. H. Taggard Mercantile Company, a corporation, appellant herein, and John F. Withers and C. E. Enders, sureties on appeal bond, his costs in this court taxed at thirteen and 75/100 ($13.75) dollars, and his costs in the court below taxed at two hundred sixty-seven and 50/100 ($267.50) dollars.

No. 805.

George B. Upton, Ben Hatfield, and Garret E. Lamb,
Appellants,
vs.
Albert Weiking,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby, modified to the extent of relieving the defendant Lamb from its operation, and in all other respects will be affirmed.

It is further ordered, adjudged and decreed that Albert Weiking, Appellee herein, do have and recover of and from George B. Upton and Ben Hatfield, Appellants, and R. N. Fredericks and F. J. Brecht, sureties on Supersedeas Bond herein, the sum of Six thousand six hundred and sixty-six dollars and sixty-six cents ($6,666.66), amount of judgment rendered in the district court, together with his costs in this court taxed at Forty

Mch-20-'03 10/100 ($40.10) dollars, and his costs in the court below in this cause incurred, taxed at seventy-one and 50/100 ($71.50) dollars,

John Stoffels,
Appellant,
No 781. vs.
Manuel L. Molino,
Appellee.

This cause having heretofore been submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby reversed and the case remanded for a new trial.

It is further ordered, adjudged and decreed that the appellant herein, John Stoffels, do have and recover of and from Manuel L. Molino, the appellee herein, his costs in this court taxed at one hundred and forty and 20/100 ($140.20) dollars.

Martin Costello,
Appellant,
No 784. vs.
Samuel Friedman and
C. J. Delahanty,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein Samuel Friedman and C. J. Delahanty, do have and recover of and from Martin Costello, appellant herein, and Paul G. Warnekros and C. K. Cummings, sureties on appeal bond herein, their costs in this court, taxed at twenty-seven and 80/100 ($27.80) dollars, and their costs in

the court below in this cause incurred.
February 1, 1904. Accrued costs in this court - Nine and 20/100 ($9.20) dollars.

M. M. Fickey, Administrator of the estate of Norman H. Chapin, deceased,
Appellant,

No. 791. vs.

George W. Crowe,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the lower court be and the same is hereby reversed, the cause remanded and judgment is directed to be entered in the lower court for the defendant.
It is further ordered, adjudged and decreed, that the appellant herein, do have and recover of and from George W. Crowe, appellee herein, his costs in this court taxed at sixty-five and 60/100 ($65.60) Dollars, and his costs in the lower court in this cause incurred.

Henry Hargrave, Administrator of the estate of Jerry Neville, deceased,
Appellant

No. 790. vs.

George W. Crowe,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the trial court be and the same is hereby reversed, the cause remanded, and judgment is directed to be entered in the lower court for the defendant.
It is further ordered, adjudged and decreed that the appellant herein, do have and recover of and from George W. Crowe, appellee herein, his costs in this court taxed at eighty-four ($84.00) Dollars, together with his costs in the lower court in this cause incurred.

Mch. 20-'03. Lewis Hoffley, Appellant,
E.E. Chiles and H.B. Lockwood
Defendants
No. 792. vs.
Mose Hughes,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court, be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the appellee herein, do have and recover of and from Lewis Hoffley Appellant herein and W. G. Smith and Geo. H. N. Luhrs, sureties on appeal bond the sum of one hundred and ten and 22/100. ($110.22) Dollars, with interest thereon from the 26th day of February, 1901. together with $1.65 the expense of filing plaintiff's lien herein and his costs in the District Court taxed and allowed at the sum of $17.05, being the amount of said judgment of said District Court, together with his costs in this court taxed at $18.30.

Charles B. McLean, William J. Strassburger,
W.G. Wilson, J.H. Smith, W.S. Hamilton,
S. Strassburger, E.H. Utley and James McKay,
Plaintiffs in Error.
No. 815. vs.
The Territory of Arizona, by Arthur J.
Edwards, District Attorney of Maricopa
County, on the complaint of H.G. Secrist,
C.C. Williams, H.J. Huber, John M. Evans,
Jennie E. Evans, Anna Anderson,
Oliver O. Morton, Walter B. Kibby,
Joseph H. Kibby, John F. Dunlap
and Gilbert D. Gray,
Defendants in Error.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the proceedings in error herein, be and the same are hereby dismissed.

It is further ordered, adjudged and decreed that the Defendants in Error herein do have and recover of and from Charles B. McLean, William J. Strassburger, W.G. Wilson, J.H. Smith, W.S. Hamilton, S. Strassburger, E.H. Utley and James McKay, Plaintiffs

in Error herein, and the Pacific Surety Company, a corporation, of San Francisco, California, surety on supersedeas bond herein, their costs in this court, taxed at thirty and 25/100 ($30.25) dollars.

No. 816.

United States of America,
Appellant,
vs.
United Verde Copper Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

No. 168.

Pasquel Mazzotti,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the court below be and the same is hereby affirmed.

No. 775.

L. C. Shattuck,
Appellant,
vs.
Martin Cortella,
Appellee.

This cause having been heretofore submitted and by

Mch. 20-13 The Court Taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that this cause be and the same is hereby dismissed.

It is further ordered, adjudged and decreed, that the appellee herein, do have and recover of and from L C. Shattuck, appellant herein, his costs in this court, taxed at one hundred twenty-three and 35/100 ($123.35) dollars.

Joseph Curtis, et al.,
Appellants,
No. 796 vs.
Boquillas Land and Cattle Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from Joseph Curtis, Samuel Curtis, W. S. Gray, - Willis, Charles Labrode, Frank Jaeger, A. V. Noyes, Charles Noyes, Miles Noyes, H. C. Herrick, Peter Crane, John Gephart, Leon Larrieu, Eutimio Acuna, Joe Escaig, Leandro Rodriguez, Dolores Padia, Nicanor Ochoa, Mrs Kate Harrington, Miguel Valenzuela, Hong Fook Ling, and Charley Hong, Appellants herein and F. N. Wolcott and W. K. King, sureties on Appeal Bond, its costs in this court taxed at dollars, and its costs in the court below in this cause incurred, taxed at One hundred thirty-seven and 30/100 ($137.30) dollars, and have execution therefor.

No. 786.

Maricopa County,
Appellant,
vs.
J. M. Burnett,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged, and decreed that the Appellee herein do have and recover of and from Maricopa County, Appellant herein, the sum of three hundred sixty-six and 15/100 ($366.15) dollars, the amount of said judgment of said District Court, with interest thereon from the 15th day of March, 1913, at the rate of 6 per cent per annum, until paid, together with his costs in this court taxed at thirty-seven and 50/100 ($37.50) dollars, and his costs in the District Court incurred herein, taxed at fifteen and 45/100 ($15.45) dollars.

No. 803.

Louisa J. Sanford, et al.,
Appellants,
vs.
City of Tucson,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby reversed, and the cause remanded for further proceedings.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from the City of Tucson, Appellee herein, their costs in this court taxed at ninety-six and 75/100 ($96.75) dollars.

Mch. 20-'03

Louisa J. Sanford and Don A. Sanford, her husband,

Plaintiffs.

No. 788. v.

vs.

The District Court in and for Pima County, and Hon. George R. David, Judge of said Court,

Defendants.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the peremptory writ be and the same is hereby denied.

It is further ordered, adjudged and decreed that the Defendants herein, do have and recover of and from Louisa J. Sanford and Don A. Sanford, her husband, Plaintiffs herein, their costs in this cause taxed at

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The County of Cochise and M. D. Scribner, County Treasurer, and Ex-Officio Tax Collector,

Appellants,

No. 787. v.

vs.

Copper Queen Consolidated Mining Company,

Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby reversed and the cause remanded for a new trial.

It is further ordered, adjudged, and decreed that the Appellants herein do have and recover of and from the Copper Queen Consolidated Mining Company, Appellee herein, their costs in this court taxed at

Arthur J. Edwards, Administrator of the estate of Edward A. Hayden, deceased,
Appellant,

No. 809. vs.

Charles F. Simms and Geo. T. Brooking, as executors of the last Will and Testament of James T. Simms, deceased, et al,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellees therein, Charles F. Simms and George T. Brooking, as executors of the Last Will and Testament of James T. Simms, deceased, Hannah E. Simms, The Simms Improvement Company, a corporation, Charles F. Simms, A. Pedersill and Nellie C. Pedersill, his wife, Samuel W. Slade, Mary A. Lee, C. H. Kay, Everett Spicer, Aquilla J. Ledgerding, Mrs. Sophia D. Seifert, The Valley Bank of Phoenix, a corporation, Henry J. Brooking, George A. Simms, James T. Simms, Jr., O. C. Thompson, and Mrs. O. C. Thompson, his wife, whose full names are unknown, J. H. Evans, E. K. Berry, and Ronald Heck, do have and recover of and from Arthur J. Edwards, Administrator of the estate of Edward A. Hayden, deceased, appellant herein, their costs in this court taxed at thirty-nine ($39.00) ——— dollars and their costs in the court below, in this cause incurred.

James C. Goodwin, Robert G. Goodwin, W. M. Goodwin, Garfield Goodwin, Minnie L. Goodwin and Mary E. Goodwin,
Appellants,

No. 813. vs.

D. A. Fennell,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;
It is ordered that the judgment of the court below be and

Mch.20-'03 The cause is hereby remanded and the cause remanded to the District Court with instructions to enter the judgment against the appellee and in favor of the appellants, dismissing the action and for costs.

It is further ordered, adjudged and decreed that the appellants herein do have and recover of and from D. A. Tyrrell, appellee herein, their costs in this court taxed at seventy-seven and 90/100 ($77.90) Dollars.

See order providing judgment May 2. 3- page 131.

María del Carmen Peguenza,
María de Los Angeles Peguenza,
María de la Cruz Navarro,
Appellants,

No. 814. v

-vs-

Minerva D. Kellogg,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from María del Carmen Peguenza, María de los Angeles Peguenza and María de la Cruz Navarro, appellants herein, and Paola Peraggo and Leo Goldman, sureties on appeal bond herein costs in this court taxed at twenty-two and 25/100 ($22.25) Dollars.

Thomas F. Wilson, on behalf of the Secretary of Arizona,
Appellant

No. 810. v

-vs-

H. C. Metcalf, Geo. W. Vickers
and Peter Peterson,
Appellees.

It is this day ordered by the Court that the Clerk

Appellant herein failed to file in this court the original record of the case together with a copy of all minute entries made in the case in the lower court, within the time required by law, and the Appellee having filed with the clerk of this court a certificate of the clerk of the District Court, attested by the seal of said court, stating the time when such appeal was perfected, and a Motion to Dismiss Appeal and affirm judgment having been filed herein by Appellee: It is ordered that said Motion be granted, the appeal dismissed, and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the appellant herein, Thomas F. Wilson, and L. H. Manning and Edwin P. Dyer, sureties on appeal bond, their costs in this Court taxed at ten and 50/100 ($10.50) Dollars and their costs in the lower court in this cause incurred,

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No. 811.

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant
vs.
Geo. H. Vickers, T. H. Pemberton, and B. Heyman,
Appellees.

In this cause, it appearing to the Court that the appellant herein failed to file in this court the original record of the case together with a copy of all minute entries made in the case in the lower court, within the time required by law, and the appellee having filed with the clerk of this Court a certificate of the clerk of the District Court, attested by the seal of said court, stating the time when such appeal was perfected, and a Motion to Dismiss Appeal and affirm judgment having been filed herein by Appellee: It is ordered that said Motion be granted, the appeal dismissed, and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the appellant herein, Thomas F. Wilson and L. H. Manning and Edwin P. Dyer, sureties on Appeal Bond, their costs in this Court taxed at ten and 85/100 ($10.85) Dollars, and their costs in the lower court in this cause incurred,

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No. 165

Joseph Dent,
Appellant,
vs.
United States of America,
Respondent.

This cause having been regularly submitted and by the Court taken under advisement, and the Court being advised in the premises, finds fully raised in the pleadings in the cause and being fully advised in the premises finds for the Respondent and that the judgment of the court below be and the same

Mch 20-'03 is hereby reversed, and the case remanded to the District Court with directions to enter judgment for the defendant.

Allen McLane and Mortimer J. McLane,
Appellants,
No. 169. vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be, and the same is hereby, reversed, and the case remanded for a new trial.

A. Y. Gruer,
Plaintiff in Error,
No. 782. vs.
Mercedes Downey,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the trial Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein do have and recover of and from A. Y. Gruer, Plaintiff in Error, herein, and Jose Gandolfo and O'Donnell, sureties on bond herein, five cents in this court taxed at five and 75/100 ($5.75) Dollars, and five cents in the court below taxed at fourteen ($14.00) Dollars.

No. 792.

James Bonthron, and
Addie Gertrude Bonthron,
Plaintiffs in Error,
vs.
The Phoenix Light and Fuel
Company, a corporation,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises. It is ordered that the judgment of the District Court be and the same is hereby reversed and the case remanded for a new trial.

It is further ordered, adjudged and decreed that the Plaintiffs in Error herein, do have and recover of and from The Phoenix Light and Fuel Company, a corporation, Defendant in Error, herein their costs in this court, taxed at forty-nine and 85/100 ($49.85) Dollars.

No. 797.

Gila Valley, Globe & Northern
Railroad Company,
Appellant,
vs.
A. J. Lyon,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises. It is ordered that the judgment of the District Court be and the same is hereby reversed and the case remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein, do have and recover of and from A. J. Lyon, Appellee herein, its costs in this cause taxed at Two hundred fifty-four and 6/100 ($254.06) Dollars.

Mch. 20-'23.

No. 799.

Carl C.L. Wulff,
Appellant,
vs.
L. Lindsay, Wm. H. Schmidt and Thomas Taggart,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellees herein, do have and recover of and from Carl C.L. Wulff, appellant herein, and A.A. Richardson and D.A. Richardson, sureties on appeal bond herein, their costs in this court taxed at seventeen and 50/100 ($17.50) dollars, and their costs in the court below taxed at $- -

No. 806.

A. H. Burmister & Sons Company, a corporation,
Appellant,
vs.
Empire Gold Mining and Milling Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby reversed and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Empire Gold Mining and Milling Company, a corporation, Appellee herein, its costs in this Court taxed at forty-six and 80/100 ($46.80) dollars.

Peter R. Brady Jr., et al.,
Plaintiffs in Error,
vs.
No. 807. v
The County of Pinal,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein, do have and recover of and from Peter R. Brady, Jr., A.R. Brady, J.M. Lile, J.S. Keating, J.H. Denier, C. Baumkenkant, J.A. Hopkins, Joseph Spinas, Chas. D. Reppy, A.F. Barker, T.A. Lonergan, G. Goodfellow, R.G. Brady, Wm H. Barnes, Chas. F. Hoff, Andreas Rebeil, Rosario Grena, Gust. A. Hoff, N.H. Mateer, Royal A. Johnson, M.G. Samaniego, W.E. Felix, V.M. Cordova, A. Durazo, J.F. Alexander, D.J. Curry, W.M. Shumway, and John McCoy, Plaintiffs in Error herein, and J.H. Schneider and H.D. Underwood, sureties on Bond on Writ of Error, the various amounts against each Plaintiff in Error specified in said judgment of said District Court, being in all the sum of five thousand two hundred forty-one and 88/100 ($5241.88) dollars, with interest on five thousand one hundred ninety and 8/100 ($5190.08) dollars from July 12, 1899, and with interest on fifty one and 80/100 ($51.80) dollars from March 29, 1902, at the rate of six per cent per annum, together with its costs in this court taxed at twenty-four and 50/100 ($24.50) dollars

A. Abernathy,
Plaintiff in Error,
No. 817. v
vs.
Thomas Reynolds,
Defendant in Error.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant

Nikiza-13. ... in Error herein, do have and recover of and from the Plaintiff-in Error, A. Abernathy, and H. H. Brockus and J. A. Pascoe, sureties on Bond in Error, his costs in... the court below taxed at Forty-Seven and 75/100 ($47.75) Dollars...

In the matter of the Application of H. H. Chapman, For a Writ of Certiorari to the Board of Supervisors of the County of Graham, Territory of Arizona.

No. 825.

This cause having been heretofore argued by counsel and submitted to the court and the court having considered the same and being now fully advised in the premises, and it appearing to the Court that the Board of Supervisors of Graham County, Arizona, respondents herein, in the action taken by them on November 17, 1902, upon the demand of H. H. Settle for a certificate of election to the office of Justice of the Peace, Mineral Precinct, No. 11, Graham County aforesaid, and in directing their clerk to make out and deliver a certificate of election to said H. H. Settle, did not regularly pursue their authority, but exceeded their jurisdiction: It is therefore ordered, adjudged and decreed by the Court that the said proceedings of said Board of Supervisors, and the whole thereof, be and the same hereby are, annulled and held for naught, and that the applicant recover of the respondent his costs, taxed at thirty-eight and 75/100 ($38.75) dollars

Joseph Duffy et al,
Appellants,

No. 826. vs.

Equitable Real Estate
Investment Association
Appellee.

This Court Coming to be advised of the motion heretofore, viz: on
Court, Give Notice of Appeal from the Judgment of

this Court to the Supreme Court of the United States, and prayed for an allowance of such appeal, whereupon it was ordered by the Court that an appeal be granted as prayed for to the Supreme Court of the United States from the order and judgment of this Court, upon said appellants filing with the Clerk of this Court a bond in the sum of one thousand ($1,000.) dollars and the remittitur stayed for sixty days.

George B. Upton, et al
Appellants;

No. 805. ✓ vs.

Albert Wieling,
Appellee.

In this cause F. G. Norris, Esq., attorney for appellants, in open court, gave notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and moved the Court that the appeal be allowed and that it fix the amount of the bond on appeal, whereupon it was ordered by the Court that the appeal be allowed, and the amount of the bond on appeal be fixed in the sum of one thousand ($1000.) dollars and the remittitur stayed for sixty days.

Axel H. Hallenborg and J. Edward Goldrick,
Appellants,

No. 822. ✓ vs.

Cobre Grande Copper Company, et al.,
Appellees.

On motion of J. F. Wilson, Esq. attorney for appellants herein, it is ordered that this cause be set for hearing May 23rd 1903.

United States of America,
Appellant,

No. 826. ✓ vs.

Gin Heong,
Appellee.

On motion of Frederick S. Stone for F. W. Kirkpatrick attorney for appellee herein, it is ordered that appellee

It is ordered that he be granted 20 days from March 14th, 1903.

No. 737.

Tracy E. Grace,
Appellant
vs.
Salt River Valley Canal Company,
Appellee.
Error.

On motion of C. F. Ainsworth, Esq. attorney for Appellee herein, it is ordered that he be granted thirty days from March 18th, 1903, in which to file reply Brief.

No. 738.

Martin Gould,
Appellant,
vs.
The Maricopa Canal Company,
a corporation,
Appellee.

On motion of C. F. Ainsworth, Esq. attorney for appellee herein, It is ordered that he be granted thirty days from March 18th, 1903, in which to file reply brief.

No. 739.

Samuel D. Moorland,
Appellant,
vs.
The Maricopa Canal Company,
a corporation,
Appellee.

On motion of C. F. Ainsworth, Esq. attorney for appellee herein, It is ordered that he be granted thirty days from March 18th, 1903, in which to file reply brief.

No. 740. ✓

Tom Brockman,
Appellant,
vs.
The Grand Canal Company,
a corporation,
Appellee.

On motion of C. F. Ainsworth, Esq., attorney for appellee herein, It is ordered that he be granted thirty days from March 18th, 1903, in which to file reply brief.

No. 742. ✓

The Salt River Valley Canal Company,
J. W. Evans, W. D. Fulwider, M. E. Hurley,
and J. M. Christy,
Appellants,
vs.
Henry E. Slosser,
Appellee.

On motion of C. F. Ainsworth, Esq., attorney for appellants herein, It is ordered that he be granted thirty days from March 18th, 1903, in which to file reply brief.

No. 816. ✓

United States of America,
Appellant,
vs.
United Verde Copper Company,
a corporation,
Appellee.

For this cause Frederick S. Nave, Esq., attorney for appellant in open court, gave notice of appeal from the judgement of this Court to the Supreme Court of the United States, and prayed the Court for an allowance of such an appeal; whereupon it was ordered by the Court that an appeal be granted as prayed for, and the execution stayed for sixty days.

Mch 20-'03 Order fixing the times and places of holding Courts in the several Districts of the Territory.

The Judges of the Supreme Court being now assembled at the seat of government, in the City of Phoenix, Territory of Arizona, do hereby order, fix and appoint the following times and places for the holding of courts in the respective districts of the said Territory, for the exercise of the same jurisdiction as is vested in the Circuit and District Courts of the United States, viz:- at Tucson, in the first judicial district, on the third Monday of April and first Monday of October; at Yuma, in the second judicial district, on the first Monday of June and first Monday of December; at Phoenix, in the third judicial district, on the first Monday of April and first Monday of October; at Prescott, in the fourth judicial district, on the first Monday of June and first Monday of November.

Done in open court, this 20th day of March A.D. 1903.

Edward Kent
Richard E. Sloan,
Fletcher M. Doan,
Geo. R. Davis,
Justices of the Supreme Court.

It is ordered that amended rules to govern the practice in this court be and the same are hereby approved and adopted, and that the same be recorded at length in the Minute Record of this court, and it is further ordered that the Clerk of this Court cause five hundred (500) copies of said rules to be printed in pamphlet form and distributed, and the expense of such printing shall be a charge against the Territory.

The Territorial Auditor is instructed to issue a warrant for the payment of the cost of such printing upon the presentation to him of a bill or voucher therefor duly approved as to account by the Clerk of this Court.

In the matter of fees collected by Thomas Grindell, former Clerk of the Supreme Court.

An order having been made and entered on March 19, 1902, requiring Thomas Grindell, the former clerk of this court to pay and turn over to said successor in office the sum of one hundred and fifty-eight dollars and ten cents ($158.10) as unearned fees remaining in his possession; and it satisfactorily appearing to the Court that there has been an error in the calculation of said amount, and that the true and correct amount due from the said Thomas Grindell at the date of the entry of said order was the sum of one hundred and one dollard and eighty cents ($101.80); and that he has since paid to the present Clerk the sum of nineteen dollars and forty-five cents ($19.45) thereof, it is now ordered that the payment by Thomas Grindell to the present Clerk of this Court of the balance of eighty-two dollars and thirty-five cents ($82.35), when made, be considered as full compliance with the original order made in said matter.

Edward Kent C.J.
Richard E. Sloan, A.J.
Fletcher M. Doan, A.J.
Geo. R. David, A.J.

Amended Rules of the Supreme Court
of the
Territory of Arizona.
— 3 —

Rule I
Abstracts of Record

I.

In every civil cause brought to this court by appeal or writ of error, the appellant or plaintiff in error must file with this court, with the transcript of the record, at least ten days before the day set for the hearing, an abstract of such record, which shall contain:

a. The pleadings, original or amended, upon which the issues were tried.

b. The findings of fact and conclusions of law, or the verdict.

c. The judgment.

Motion to ... d. The motion for a new trial.
e. The evidence certified by the trial court.
f. The Bill of exceptions and statement of facts.
g. Such other portions of the record as may be necessary to inform the court of the errors relied upon without an investigation of the record itself.

—II—

The abstract of the record shall be chronologically arranged; shall be prefaced with an alphabetical index of its contents specifying the folio of each separate paper, order, and the beginning of each witness; and shall have a cover.

—III—

Unless some question is predicated upon the formal parts of pleadings, motions, depositions, exhibits, or other papers filed in the trial court and made part of the record on appeal, such formal parts shall be omitted in preparing the abstract, after once stating the name and title of the cause, giving the names of the parties in full, and thereafter the name and title may be indicated by the words "Title of Cause."

a. In the case of depositions the substance of the testimony contained therein shall be reduced to narrative form, and, unless material, notices, interrogatories, certificates of officers taking the same, signatures of witnesses, etc., shall be omitted.

b. In the case of deeds, mortgages, contracts, and other exhibits, only the material parts shall be stated, and certificates of acknowledgment and endorsements made by officers thereon shall be omitted, except where such are material.

c. Endorsements made by the clerk of the trial court showing the date of the filing of the papers shall appear in the abstract by simply noting, "Filed ____ ____," giving the date of the filing.

d. Exhibits, records of living testimony incorporated in the abstract, may be omitted, but reference must be made to the same in such a way as to identify them from other parts of the record.

—IV—

Each assignment of error shall be separately set forth and numbered, and any proposition or subdivision of the argument which is relied upon for reversal must be presented in the brief under the assignment of error to which it relates; and no proposition will be considered by the court which is not

this court of the issues in appeal or writ of error, the appellee may embody such omitted portion of the record in a supplemental abstract, which shall be filed and served upon counsel for appellant at the time of filing and serving the brief of the appellee.

— V —

Abstracts of record shall be printed on white paper, eight inches by ten inches in size, with pica type; or on typewriting (plainly legible, and not exceeding a second impression), with a sufficient margin to permit of their being bound together in book form on the left-hand side, and shall be so fastened.

— VI —

The abstracts of record, as filed, will be treated by the Court as containing such portions of the record as the parties deem sufficient upon which to try the assignments of error.

— VII —

Abstracts of record not conforming to this rule may be stricken from the files on motion of the party affected by such non-compliance, or by the Court of its own motion.

Rule 2.

Bills of Exceptions and Statements of Facts.

— I —

Bills of exceptions and statements of facts may be consolidated into one and the same paper; but in all cases the same shall be in narrative form, tersely and succinctly stated.

Whenever any objection is made to evidence or to any question propounded to a witness, and an exception is taken by the ruling of the trial court thereon, in every such case the question and answer of the witness shall be inserted *totidem verbis*.

The extension of the reporter's noted provided by section 1486, Revised Statutes, to be made a part of the record must be made, certified and filed during the term at which the judgment was rendered, or within such reasonable time thereafter as shall be allowed by the Court, or judge thereof, by an order duly entered nunc pro tunc or filed with the clerk. Such transcript or any other be made, if certified and filed shall be deemed a statement of facts, but shall, in the typed manuscript, be separated from the record by a sheet of the Court reporter's notes taken during the trial, before the same shall be allowed and signed

Mch. 20-'03. by the judge in the same manner as required of a bill of exception.

— Rule 3. —

Motions.

— I. —

All motions relating to informalities in the manner of bringing a cause to this court shall be filed with the Clerk on or before the first day of the term, a copy thereof being served on opposing counsel on or before the same day, otherwise the ground of the objection shall be considered as waived, if it can be waived.

— II. —

Motions to dismiss for want of jurisdiction of this court, and for such defects as defeat the jurisdiction in the particular cause, that cannot be waived, are recommended to be filed on or before the first day of the term, a copy thereof to be served on the opposite party; but such motion may be made at any time, and shall be entertained by the Court, after such notice to opposing counsel as the Court may deem proper to be given under the circumstances.

— III. —

Motions made either to sustain or defeat the jurisdiction of the Court, dependent on facts not apparent in the record, and of which the Court cannot take judicial notice, must be supported by affidavit or other satisfactory evidence, copies of which must be served on the opposing counsel.

— IV. —

No oral arguments will be heard on motions, except in such instances as the Court may direct.

— V. —

The clerk, upon filing a motion, shall mention and enter the same in a docket to be known as the Motion Docket, together with the name of the attorney who makes the motion, and the kind of motion made. Any answer to said motion shall be filed, and shall in like manner be mentioned and noted in the Motion Docket, together with the name of the attorney opposing such motion.

— VI. —

Four hours shall be allowed on each motion for rehearing, unless, on application, it is extended by the Court.

—VII—

No motion for rehearing shall be amended, except by leave of the Court.

Rule 4.

Briefs and Arguments.

—I—

For the appellant or plaintiff in error, and for the appellee or defendant in error, there shall be filed six copies of a brief with the clerk of the court, which shall be either printed or typewritten; and all briefs in civil cases, where printed, shall be in pica type, on white paper, not to exceed nine inches and one-eighth inches, and six inches wide, with an unprinted margin of one and two-eighths inches. Typewritten briefs shall be of the same size, plainly legible, and shall not exceed second impression copies. All briefs shall be in pamphlet form and with covers.

—II—

Such brief shall contain, in the following order and separately stated:

1. A concise statement of the case, presenting succinctly the questions involved and the manner in which they are raised.

2. An assignment of the errors relied upon.

3. The argument, exhibiting a clear statement of the points of law, or facts to be discussed, under each assignment of error relied upon, with a reference to the folios of the abstract by the record that are pertinent thereto, and the authorities relied upon in support thereof.

—III—

The brief of the appellee, or defendant in error, shall be of a like character with that required of the appellant, or plaintiff in error, except that no assignment of error shall be required, and no statement of the case, unless that presented by the appellant, or plaintiff in error, is controverted.

—IV—

Whenever an appellant, or plaintiff in error, or defendant, the appellee, or court of errors, errors, or matters, relied upon, and whenever any appellee, or defendant in error, shall be in default, he will forfeit the case, except as against the government, or by consent of the Court.

Mch 20-'23

—V.—

Within thirty days next after the appeal, or writ of error is perfected, and the statement of facts and bill of exceptions have been made a part of the record in the cause, the appellant shall serve upon the attorney of the opposite party a copy of his brief, prepared in conformity with subdivision II of this rule, and within thirty days next thereafter counsel for the appellee, or defendant in error, shall serve upon the counsel for appellant, or plaintiff in error, a copy of his answer thereto; and within fifteen days next thereafter the counsel for the appellant, or plaintiff in error, shall serve upon the counsel for appellee, or defendant in error, his reply thereto, if one be filed.

—VI.—

Six copies of these briefs, when so made and served, shall forthwith be filed with the clerk of this court.

—VII.—

If the time given by subdivision V of this rule in which to make, serve and file such briefs, will not expire before the first day of the term of this court to which the appeal, or writ of error, is returnable, then in every such case, either party to such appeal, or writ of error, may serve the other with written notice that such appeal, or writ of error, will be urged to a submission at the term to which it is returnable; in which event counsel for appellant, or plaintiff in error, shall make and serve his brief, as hereinbefore required, within fifteen days next after the service of such written notice; and counsel for appellee, or defendant in error, shall have a like time thereafter in which to make and serve his answer; and counsel for appellant, or plaintiff in error, shall have five days next thereafter in which to make and serve his reply. And in all such cases, six copies of such brief, answer and reply shall be filed with the clerk of this court not later than the day preceding that on which said reply is to be served, unless such day shall fall on a holiday, and in that event the same shall be filed on the day following.

—VIII.—

If any brief, answer or reply, shall not be served or filed as hereinbefore provided, the Court, on motion, or on its own initiative, may refuse to receive any brief, from the filing of the same, or may receive the same as though such document were filed in due time, or may direct such document to be returned.

— IX —

In all cases where the briefs hereinbefore provided for shall have been duly served and filed, either party will be heard orally for such time as may be fixed by the Court, not to exceed one hour, unless special reasons for additional time shall be given to the Court and such additional time granted by the Court on the day when the calendar is called and the cause set for argument.

Rule 5.

Service.

Attorneys and guardians ad litem in the court below will be deemed attorneys and guardians ad litem of the same parties in this court until a substitution of record is made, and service of notices, briefs, and all papers, may be made on the attorneys or guardians ad litem of record in the court below, until such substitution is made and notice thereof given to opposing counsel.

Rule 6.

Diminution of Record.

For the purpose of correcting any error or defect in the transcript, either party may suggest the same in writing, and show good cause therefor, obtain an order that the proper clerk certify to this court the whole or any part of the record required, or he may produce the same duly certified, without such order. If the attorney of the adverse party be absent, or the fact of the alleged defect be disputed, the suggestion, except when a certified copy of the omitted record is produced at the time, must be accompanied by an affidavit showing the existence of the defect alleged.

Rule 7.

Assignment of Error.

— I —

All assignments of error must distinctly specify each ground relied upon, and the particulars relied on must be elaborated. If the particulars relied on consist of the exceptions to rulings for or against which error is assigned, or to any finding of fact, no exception to the record will be deemed sufficient to raise the question, unless it is specified in the assignment of error, or it will be deemed to be waived.

Feb 20-03

—II—

If the assignment of error be, that the Court overruled a motion for a new trial, and the motion is based upon errors that are grounds, the same will not be considered as distinct and specific by this Court, unless each ground is separately and distinctly stated in the assignment of error.

—III—

An objection to the ruling or action of the Court below, will be deemed waived in this Court, unless it have been assigned as error, in the manner above provided.

—IV—

If the assignment of error be to the giving of instructions to the jury by the lower Court, the appellant must state wherein the instruction complained of is erroneous in its statement of the law applicable to the case or to any particular fact or facts thereof.

—V—

If the refusal to give an instruction asked for by the appellant in the court below, be assigned as error, the assignment must state the applicability of such instruction to the fact or facts of the case.

—VI—

Assignments of error shall not be amended in this Court.

Rule 8.
Costs.

Costs shall be allowed to the successful party by this Court as follows: For transcript of the record, the amount paid therefor to the clerk of the district court from which the transcript comes, and the expense of printing or typewriting the copies thereof; the costs of the clerk of this court; and the sum of one dollar per page of the briefs and abstract of record of the successful party, not exceeding twenty dollars for the briefs in any one cause.

Rule 9.
Appearance Fee.

In all civil causes the appellant, or plaintiff in error, shall deposit with the clerk of this court twenty dollars, and the appellee, or defendant in error, ten dollars.

The clerk will not be compelled to docket any cause, nor to file any papers until such appearance fee is paid.

As soon as the costs of either party exceed the amount deposited by him, the clerk of this court may call upon such party to make an additional deposit of a like amount, and until such additional amount be deposited, the clerk will not be compelled to file any papers, or do any other thing in said cause for the party so in default.

Rule 10.

Files.

No paper shall be taken from the office of the clerk of this court except by an order of the Court.

—Rule 11.—

Mandate from United States Supreme Court.

Upon the receipt by the clerk of this court of a mandate from the Supreme Court of the United States in any cause brought to this court on appeal, or writ of error, and taken from this court by appeal, or writ of error, to said Supreme Court, it shall be the duty of said clerk, forthwith, to issue under his hand and the seal of this court a remittitur to the district court of the district and County in which the judgment was rendered, commanding such court to take such action in the premises as by the mandate shall be proper, and said remittitur shall also contain therein a recital *ex facie verba* of the said mandate; and all the costs subsequent to the appeal from said district court shall be taxed in said remittitur.

Approved March 20th 1903.

Edward Kent, C.J.
Richard E. Sloan A.J.
Fletcher M. Doan A.J.
Geo. R. Davis A.J.

It is ordered that this court take a recess until Saturday May 23rd 1903 at 9:30 o'clock A.M.

Edward Kent Chief Justice.
Associate Justice.
Associate Justice.

Supreme Court, } January Term, A.D. 1903.
Territory of Arizona } Phoenix, Arizona. Saturday May 23, 1903.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan,
Geo. R. Davis
E. M. Cullom, Clerk.
U. S. Attorney.
Dean Woodward, Bailiff
M. H. Calderwood, Crier.

The following business was transacted.

It is ordered by the Court that E. H. Lewis, Esq. be and he is hereby appointed Supreme Court Reporter, and that he be allowed to withdraw any papers he desires from the office of said court upon giving his receipt therefor.

Axel H. Hallenborg and J. Edward Addicks,
Appellants
No. 822. vs.
Cobre Grande Copper Company et al.,
Appellees.

On motion of Jno. J. Hawkins, Esq attorney for appellants herein, It is ordered that Henry G. Atwater, Esq. be entered of record of counsel for appellants.

This cause coming on for hearing was argued by Jas. J. Hawkins Esq. for appellants and by Messrs. H. H. Garnes and Ben Goodrich for appellees, and argument continued until this afternoon.

Arthur J. Edwards, Administrator of the estate of Edward A. Hayden, deceased,
Appellant;
No. 809. vs.
Chas. F. Simmons and Geo. F. Brooks, as executors of the Last Will and Testament of Jason F. Simmons, deceased, et al.,
Appellees.

It is ordered that

The motion for re-hearing, filed herein by Appellants, be submitted.

Charles D. McLean, et al.,
Plaintiffs in Error,
vs.
No. 815. ✓
The Territory of Arizona by Arthur J. Edwards, District Attorney of Maricopa County, in the complaint of H. F. Secrist, et al.,
Defendants in Error.

It is ordered that the motion for re-hearing filed herein by Plaintiffs in Error, be submitted.

A. Abercrachy,
Plaintiff in Error,
vs.
No. 817. ✓
Thomas Reynolds,
Defendant in Error.

It is ordered that the motion for re-hearing filed herein by Plaintiff in Error, be submitted.

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
No. 810. ✓
N. O. Murphy, Geo. H. Vickers, F. H. Pemberton, and B. Heyneman,
Appellees.

It is ordered that the motion for re-hearing filed herein by Appellant, be submitted.

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
No. 811. ✓
Geo. H. Vickers, F. H. Pemberton, and B. Heyneman,
Appellees.

It is ordered that the motion for re-hearing filed herein by Appellant, be submitted.

May 23-'03

No. 794.

Martin Gould, et al.,
Appellants,
vs.
The Maricopa Canal Company,
a corporation,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants be submitted.

No. 795.

E. Hayois, Jean Lamazon, et al.,
Appellants,
vs.
The Salt River Valley Canal
Company, a corporation,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants be submitted.

No. 797.

Gila Valley, Globe & Northern
Railroad Company,
Appellant,
vs.
A. J. Lyon,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellant, be submitted.

No. 814.

Maria del Carmel Pesqueira, et al.,
Appellants,
vs.
Minnie D. Kellogg,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, be submitted.

No. 813. ✓

James C. Godwin, et al.,
Appellants,
vs.
D. A. Tyrrell,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellee, be submitted.

No. 787. ✓

The County of Cochise and M. D. Scribner,
County Treasurer and Ex-Officio Tax Collector,
Appellants,
vs.
Copper Queen Consolidated Mining Company,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellee be submitted

No. 793. ✓

Lewis Wolfley,
Appellant,
C. E. Philes and W. R. Lockwood,
Defendants,
vs.
Moses Hughes,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellant, be submitted.

No. 790 ✓

Henry Noreen, Administrator of the estate of Jerry Neville, deceased,
Appellant,
vs.
Geo. H. Crowe,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellee, be submitted.

May 23 '03.

No. 791.

M. M. Trickey, Administrator of the estate of Norman H. Chapin, deceased,
Appellant,
vs.
Geo. H. Crane,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellee, be submitted.

No. 796.

Joseph Curtis, et al.,
Appellants,
vs.
Dos Cuidillas Land and Cattle Company, a corporation,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, be submitted.

No. 828.

Martin Costello,
Appellant.
vs.
Emil Marks, et al.,
Appellees.

It is ordered that the motion to compel the record and for time in which to print and file Abstract and brief, be submitted.

No. 168.

Samuel Mazzatte,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the motion for re-hearing filed herein by Appellant be submitted.

No. 784. ✓

Martin Costello,
Appellant,
vs.
Samuel Friedman and P. J. Delahanty,
Appellees.

It is ordered that the motion for rehearing filed herein by Appellant, be submitted.

No. 801. ✓

S. H. Van Slyck and John Dee Crow,
Appellants
vs.
John L. Alexander,
Appellee.

It is ordered that the motion for rehearing filed herein by Appellants, be submitted.

No. 808. ✓

The Arizona Eastern and Montana Smelting,
Ore Purchasing and Development Company,
The Turgeon Mining Company and Geo. T. Semmons,
Appellants,
vs.
Martin Costello,
Appellee.

It is ordered that the motion for rehearing filed herein by Appellants be submitted.

No. 165 ✓

Joseph Dent,
Appellant,
vs.
United States of America,
Respondent.

It is ordered that the motion for rehearing filed herein by Respondent, be submitted.

The Court took a recess until two o'clock this afternoon.

May 23-'03. Court reconvened at two o'clock P. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
and the Clerk.

And the following business transacted.

No. 809. Arthur J. Edwards, Administrator of the estate of Edward P. Hayden, deceased, Appellant,
vs.
Charles T. Simms and Geo. T. Brosious, as executors of the last Will and Testament of James T. Simms, deceased, et al., Appellees.

It is ordered that the motion for re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby, denied.

No. 815. Charles B. McLean, et al., Plaintiffs in Error,
vs.
The Territory of Arizona, by Arthur J. Edwards, District Attorney of Maricopa County, on the complaint of M. F. Secrist, et al., Defendants in Error.

It is ordered that the motion for re-hearing filed herein by Plaintiffs in Error, and heretofore submitted, be, and the same is hereby denied.

No. 817. A. Abernathy, Plaintiff in Error,
vs.
Thomas Reynolds, Defendant in Error.

It is ordered that the motion for re-hearing filed herein by Plaintiff in Error, and heretofore submitted, be, and the same is hereby denied.

No. 810.

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
N. O. Murphy, Geo. W. Vickers, T. W. Pemberton, and B. Heyman,
Appellees.

It is ordered that the motion for re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby denied.

No. 811.

Thomas F Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
Geo. W. Vickers, T. W. Pemberton and B. Heyman,
Appellees.

It is ordered that the motion for re-hearing filed herein by Appellant, and heretofore submitted, be, and the same is hereby denied.

No. 794.

Martin Gould, et al.,
Appellants,
vs.
The Maricopa Canal Company, a corporation,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, and heretofore submitted, be, and the same is hereby denied.

No. 795.

E. Hayes, Jean Larragon, et al.,
Appellants,
vs.
The Salt River Valley Canal Company, a corporation,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, and heretofore submitted, be, and the same is hereby denied.

May 23-'03.

No. 797.

Gila Valley, Globe & Northern Railroad Company,
Appellant,
vs.
A. J. Lyon,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellant, and heretofore submitted to, and the same is hereby denied.

No. 814.

Maria del Carmel Pesqueira, et al.,
Appellants,
vs.
Minerva D. Kellogg,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

No. 813.

James C. Goodwin, et al.,
Appellants,
vs.
D. H. Tyrrell,
Appellee.

Void. See page 131.

It is ordered that the motion for re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

No. 787.

The County of Cochise and M. D. Scribner, County Treasurer, and Ex-Officio Tax Collector,
Appellants,
vs.
Copper Queen Consolidated Mining Company,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby granted.

Lewis Woolley,
Appellant
C. E. Stiles and W. A. Lockwood,
Defendants,

No. 793. ✓ vs.

Morris Hughes,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

Henry Harmon, Administrator of the estate of Jerry Neville, deceased,
Appellant,

No. 790. ✓ vs.

Geo. H. Crowe,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

M. M. Tuckey, Administrator of the estate of Norman H. Chapin, deceased,
Appellant,

No. 791. ✓ vs.

Geo. H. Crowe,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

Joseph Curtis et al.,
Appellants,

No. 796. ✓ vs.

Boquillas Land and Cattle Company, a corporation,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby granted.

May 23-'03

No. 828. ✓

Martin Costello,
Appellant.
vs.
Ernest Mahl, H. P. Hamniger, and L. C. Shattuck,
Appellees.

It is ordered that the motion to compel the record and for time in which to file Abstract and Brief, filed herein by Appellant, and heretofore submitted, be and the same is hereby granted, and the appellant granted 45 days in which to file Brief and Abstract.

No. 796. ✓

Joseph Curtis, et al.,
Appellants,
vs.
Bogullas Land and Cattle Company,
a corporation,
Appellee.

In this cause it is ordered that the name of Ben Morgan be stricken from appellants' brief and the name of Ben Goodrich inserted in lieu thereof.

No. 168. ✓

Pasquel Mazzotti,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the motion for re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 784. ✓

Martin Costello,
Appellant,
vs.
Samuel Friedman and D. J. Delahanty,
Appellees.

It is ordered that the motion for re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 801. ✓

E. N. Van Sleyck and John Doe Cross,
Appellants,
vs.
John L. Alexander,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

No. 808. ✓

The Arizona Eastern and Montana Smelting, Ore Purchasing and Development Company; The Burgevin Mining Company, and Geo. H. Seaverns,
Appellants,
vs.
Martin Costello,
Appellee.

It is ordered that the motion for re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

No. 165. ✓

Joseph Dent,
Appellant,
vs.
United States of America,
Respondent.

It is ordered that the motion for re-hearing filed herein by Respondent, and heretofore submitted, be and the same is hereby granted.

No. 805. ✓

George B. Upton, et al.,
Appellants,
vs.
Albert Heisling,
Appellee.

It is ordered that the clerk of this court certify attorneys for appellants herein that they are given ten days in which to file petition for rehearing, and if said petition is not filed within that time, remittitur shall issue.

No. 2305. K. C. Stothard,

Appellant,

No. 2307. vs.

Martin Cortelyou,

Appellee.

In this case H. L. Barnes, Esq., attorney for appellant in open court gave notice of appeal from the judgment of this court to the Supreme Court of the United States and moved the Court that the appeal be allowed and that it fix the amount of the cost bond on appeal, whereupon it was ordered by the Court that the appeal be allowed, and the amount of the bond on appeal be fixed in the sum of one thousand ($1,000.) Dollars, and it is further ordered that appellant herein be granted thirty days in which to file statement of facts.

Martin Cortelyou,

Appellant,

No. 2384. vs.

Samuel Trudeau and C. J. Delahanty,

Appellees.

In this case, Wm. Herring, Esq., for Jas. Reilly, Esq., attorney for appellant, in open court gave notice of appeal from the judgment of this court to the Supreme Court of the United States, and moved the Court that the appeal be allowed and that it fix the amount of the cost bond on appeal, whereupon it was ordered by the Court that the appeal be allowed, and the amount of the bond on appeal be fixed in the sum of one thousand ($1,000.) Dollars, and it is further ordered that appellant herein be granted thirty days in which to file statement of facts.

Thomas F Wilson, on behalf of
the Territory of Arizona,
Appellant

No. 810. ✓ vs.

N. O. Murphy, Geo. H. Vickers,
T. H. Pemberton and B. Heyneman,
Appellees.

On this cause M. A. Smith, Esq. for E.S. Ives Esq., attorney for appellant, in open court gave notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moved the Court that the appeal be allowed and that it fix the amount of the cost bond on appeal, whereupon it was ordered by the Court that the appeal be allowed, and the amount of the bond on appeal be fixed in the sum of one thousand ($1,000.) Dollars,

✓ It is further ordered that the appellant be granted ninety days within which to prepare and submit to the court a statement of facts in the nature of a special verdict.

Thomas F Wilson, on behalf of the
Territory of Arizona,
Appellant,

No. 811. ✓ vs.

Geo. H. Vickers, T. H. Pemberton,
and B. Heyneman,
Appellees.

On this cause M.A. Smith, Esq. for E.S. Ives, Esq., attorney for appellant, in open court gave notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moved the Court that the appeal be allowed and that it fix the amount of the cost bond on appeal, whereupon, it was ordered by the Court that the appeal be allowed, and the amount of the bond on appeal be fixed in the sum of one thousand ($1,000.) Dollars.

✓ It is further ordered that the appellant be granted ninety days within which to prepare and submit to the Court a statement of facts in the nature of a special verdict.

D.J.

The Case of the United States Shipping Board
Emergency Fleet Corporation, Owners
Appellants,

vs.

Cheviot S. Kemp and Ida M. Kemp, his wife,
Administratrix of the Estate of Cheviot Kemp, et al.,
Respondents.

The Circuit Court of Appeals by virtue of the authority vested in it by the Judicial Code of the United States, and having duly considered the cause upon the record herein, is of opinion that the decree appealed from should be reversed with costs to the appellant, and that the cause should be remanded to the District Court for further proceedings in accordance with the opinion of this Court.

No. 904.

The Merchants' Coal Company,
a corporation,
Appellee,

vs.

The United States Shipping Board Emergency Fleet Corporation,
Appellant.

On this cause coming on to be heard upon the transcript of the record from the District Court of the United States for the Southern District of New York, and upon the argument of counsel for the appellant and appellee, and due consideration thereof, it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be, and the same is hereby reversed, with costs to the appellant, and that this cause be remanded to the said District Court with instructions to enter a decree in favor of the libelant for the amount claimed in the libel, with interest and costs.

No. 795. ✓

E. Hegria, Juan Zamora, et al.,
Appellants,
vs.
The San Pico Valley Canal Company, a corporation,
Appellee.

In this cause E. H. Levi, Esq., attorney for appellants, in open court gave notice of appeal from the judgment of said Court to the Supreme Court of the United States, and moved the Court that the appeal be allowed, and that it fix the amount of the cost bond on appeal, whereupon it was ordered by the Court that the appeal be allowed, and the amount of said cost bond in the sum of one thousand ($1,000.) Dollars, and it is further ordered that said appellants be granted sixty days within which to file statement of facts.

No. 815. ✓

Frederick B. McLean, et al.,
Plaintiffs in Error,
vs.
The Territory of Arizona, by Arthur C. Edwards, District Attorney of Maricopa County, on the complaint of H. F. Hewitt, et al.,
Defendants in Error.

In this cause, C. J. Ainsworth, Esq., attorney for Plaintiffs in Error, in open court gave notice of appeal from the judgment of this court to the Supreme Court of the United States, and moved the Court that the appeal be allowed, and that it fix the amount of the cost bond on appeal, whereupon, it was ordered by the Court that the appeal be allowed, and the amount of said cost bond in the sum of one thousand ($1,000.) Dollars, and it is further ordered that Plaintiffs in Error have granted sixty days within which to file statement of facts.

Sept 25-03 Matias Cotera,
Appellant,
No. 528. v.
vs.
Emil Mathey, H.G. Hennigar,
and L.C. Shattuck,
Appellees.

On the motion of the appellant made and granted heretofore, It is ordered that the Clerk of the District Court of the Second Judicial District of the Territory of Arizona in and for the County of Cochise do forthwith on the receipt by him of a certified copy of this order, certify and transmit to the Clerk of this court, as a part of the record of this cause in this court the following papers filed in his court in said cause, that is to say:

1. Motion of defendant for an order requiring plaintiff to make their complaint more definite and certain. Filed June 4th, 1901.
2. Instructions asked by plaintiff, Filed January 6th, 1903.
3. Instructions asked by defendants, Filed January 6th, 1903.
4. Instructions given by the Court, Filed January 9th, 1903.
5. Motion for New Trial, filed January 7th 1903.

No. 526. v.

United States of America,
Appellant,
vs.
Lin King,
Appellee.

Comes now Frederick S. Noon, Esq. attorney for appellant herein and moves the Court to dismiss this cause.

It is ordered by the Court that the motion to dismiss this cause be denied.

No. 822.

Axel N. Hallenborg, et al.,
Appellants,
vs.
Coeur d'Alene Copper Company, et al.,
Appellees.

Argument was resumed in this cause by Messrs. Geo. Goodrich and N. A. Smith for appellees, and Henry G. Alexander for appellants, and concluded by N. H. Gaines for appellees, and cause ordered submitted.

No. 813.

Daniel C. Goodwin, et al.,
Appellants,
vs.
J. A. Terrell,
Appellee.

This cause having been heretofore submitted upon the Motion for re-hearing, filed herein by appellee It is ordered that the judgment heretofore rendered by this Court reversing the judgment of the District Court and remanding the cause "with instructions to the District Court to enter its judgment against the appellee and in favor of the appellants, discussing the action" be modified so as to read that the judgment of the court below be and the same is hereby reversed and the cause remanded for a new trial, and the motion for re-hearing be and the same is hereby denied.

No. 744.

Thomas O. Biggs, et al.,
Plaintiffs and Appellants,
vs.
The Utah Irrigating Ditch Company, et al
Defendants and Appellees,
Elwood Hadley, United States Indian Agent,
Intervenor and Appellant.

It is hereby ordered that the stipulation of facts heretofore on the 26th day of February, 1903, filed in this cause, be withdrawn from the files and the stipulation of facts this day signed be filed and substituted in place thereof.

May 23-03 ..... It is ordered that this court stand adjourned until Saturday. October 31st, 1903, at 9.30 o'clock, A. M.

Concurrent Chief Justice.
Associate Justice.

Supreme Court, } January Term, A. D. 1903.
Territory of Arizona. } Phoenix Arizona. Saturday October 31st, 1903.

Court opened at 9:30 o'clock. A. M.

Present Honorable Edward Kent Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
D. M. Cullom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

Phoenix Light & Fuel Company,
a corporation,
Appellant,
vs.
No. 812. Thomas D. Bennett,
Appellee.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby reversed and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein, do have and recover of and from Thomas D. Bennett, Appellee herein, its costs in this court, taxed at-

dollars.

No. 737. Henry E. Slosser, Appellant, vs. Salt River Valley Canal Company, a corporation, Appellee.

It is ordered that the Motion for re-argument filed herein by Appellant, be and the same is hereby denied.

No. 742. Salt River Valley Canal Company, et al., Appellants, vs. Henry E. Slosser, Appellee.

It is ordered that the Motion to Strike out Abstract and Affirm the Judgment, filed herein by Appellee, be and the same is hereby denied.

It is further ordered that the Motion to Dismiss Appeal filed herein by Appellee be and the same is hereby denied.

On motion of A.C. Baker, Esq., It is ordered that Ralph E. Gardner who holds a certificate from the Supreme Court of Nebraska, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

On motion of F.G. Nave Esq., It is ordered that Luke Lonergan, Esq., who holds a certificate from the Supreme Court of Pennsylvania for the Western District, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Oct. 31-'03

No. 737 V

Henry E. Slosser,
Appellant,
vs.
Salt River Valley Canal
Company, a corporation,
Appellee.

In this cause - It is ordered that the Motion for rearguument filed herein by appellant, be and the same is hereby denied.

No. 784 V

Martin Costello,
Appellant,
vs.
Samuel Friedman and
P. J. Delahanty,
Appellees.

On motion of J. B. Wright Esq. attorney for appellee Delahanty. It is ordered that he be granted permission to file Affidavit of County Treasurer as to value of property in controversy.

It is further ordered that Jas. Reilly Esq. attorney for appellant herein, be served with a copy of said affidavit within 10 days, and

It is further ordered that Mr. Reilly have 20 days thereafter to file reply.

It is further ordered that the Motion for Further Findings of Fact filed herein by appellant, be and the same is hereby submitted.

No. 651 V

Clinton D. Wiers, et al.,
Appellants,
vs.
John Lawler, et al.,
Appellees.

In this cause Mr. F. H. Norris for appellees, moved the Court for an order directing the Clerk of this Court to send down the Mandate of the Supreme Court of the United States to the District Court of Yavapai County-

whereupon the Court stated, under the Rules a formal order was not necessary.

No. 836. ✓

Allen T. Bird and Calla N. Bird,
Appellants,
vs.
Adolphus H. Noon,
Appellee.

On motion of Thos. D. Bennett, Esq., attorney for appellee herein; It is ordered that the Motion to Dismiss Appeal, filed herein by appellee, be and the same is hereby submitted.

On motion of Thomas D. Bennett, Esq., for the admission of S. C. Williams, Esq., to practice in this court, the Court appointed the following committee to conduct examination and report at two o'clock this afternoon; Messrs. Webster Street, J. S. Norris, and John B. Wright.

The Court took a recess until two o'clock this afternoon.

Court re-convened at two o'clock P.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis " "
and the Clerk.

and the following business was transacted:

No. 784. ✓

Martin Castello,
Appellant
vs.
Samuel Feidman and
C. J. Delahoussaye,
Appellees.

The Motion for Rehearing herein by Appellant, and heretofore submitted, and by the Court

Oct. 31-'02. Taken under consideration and the Court having considered the same and being fully advised in the premises. It is ordered that said Motion be and the same is hereby granted, and Further Findings of Fact filed this date.

In the Matter of the Application of S. K. Williams for license to practice in the Supreme Court.

To the Honorable Chief Justice and the Associate Justices of the Supreme Court:

We, your committee to whom was referred the application of S. K. Williams for a license to practice in the Supreme Court of Arizona beg leave to report that we have made but a short examination into the qualifications of said applicant and from such examination are not able at this time to make a report recommending the admission of said applicant and ask time to make further examination, with the privilege of reporting to this Court at another sitting thereof.

Very respectfully submitted,
Webster Street
F. S. Norris.
John D. Wright.
Committee.

It is ordered that the request of the Committee, appointed to examine S. K. Williams as to his qualifications to practice in this Court, for further time, be and the same is hereby granted.

It is ordered that this Court stand adjourned sine die.

Edward Kent Chief Justice.

Regular January Term.

Supreme Court, } January Term, A. D. 1904.
Territory of Arizona } Phoenix, Arizona, Monday, January 11th 1904.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
E. M. Cullom, Clerk.
Frederick S. Nave, U. S. Attorney.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

No. 170 ✓ John Richards, et al., Appellants,
vs.
Territory of Arizona, Respondents

It is ordered that the motion to Dismiss Appeal filed herein by Appellants, be submitted.

No. 784 ✓ Martin Costello, Appellant
vs.
Samuel Friedman, et al., Appellees.

It is ordered that the Motion to reconsider Allowance of Appeal, filed herein by Appellees, be submitted.

No. 812. ✓ Phoenix Light & Fuel Company, Appellant,
vs.
Thos. D. Bennett, Appellee.

It is ordered that the Motion for Re-Hearing, filed herein by Appellee, be submitted.

Jan. 11-'24. The Valley Bank
Plaintiff,
No. 824. v.
vs.
Alexander O. Brodie, et al.
Defendants.

It is ordered that the Motion to Strike Out Amended Answer, filed herein by Plaintiff, be submitted.

Gila Bend Reservoir and
Irrigation Company, a corporation
Appellant,
No. 827. v.
vs.
Peoria Canal Company,
a corporation, et al.
Appellees.

It is ordered that the Motion to Strike Abstract of Record from files, filed herein by appellees, be submitted.

C. H. Johnstone,
Appellant,
No. 829. v.
vs.
J. H. Robertson,
Appellee.

It is ordered that the Motion to Dismiss Appeal filed herein by Appellee be submitted.

William Sidon,
Appellant.
No. 839. v.
vs.
E. M. Redman,
Appellee.

It is ordered that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

No. 842. ✓

E. C. Averyt,
Appellant,
vs.
Frank Williams,
Appellee.

It is ordered that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

No. 849. ✓

Alfred Kinney,
Appellant,
vs.
James K. McCarthy,
Appellee.

It is ordered that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

No. 852 ✓

Ernest Teran,
Appellant
vs.
G. R. Baumbach,
Appellee.

It is ordered that the Motion to Affirm Judgment, filed herein by Appellee, be submitted.

No. 832. ✓

Tom Li,
Appellant,
vs.
William E. Beck, et al,
Appellee.

It is ordered that the Motion to Dismiss Appeal, filed herein by Appellee, be submitted.

Jan 11-'04

Joseph Dent,
Appellant,
No. 165 ✓ vs.
United States of America,
Respondent.

It is ordered that the hearing of this cause be set for January 13th, 1904.

On motion of Frederick S. Nave, for Respondent, It is ordered that he be granted thirty minutes in which to argue this cause.

John Edwards,
Appellant,
No. 171 ✓ vs.
Territory of Arizona,
Respondent,

On motion of W. C. Miller, Esq. Attorney for Appellant, It is ordered that he be granted ten days in which to file brief.

On motion of E. W. Wells, Attorney General, it is ordered that Respondent have ten days thereafter in which to file reply brief.

Josiah Anderson,
Appellant,
No. 172. ✓ vs.
Territory of Arizona
Respondent.

Comes now J. L. B. Alexander, attorney for appellant and moves the court that one and one half hours be granted for argument in this cause, It is ordered by the Court that one hour be granted for argument.

✓ It is further ordered that the setting of this cause be passed until to-morrow, January 12th.

No. 173. ✓

United States of America,
Appellant,
vs.
John Stofello,
Respondent.

It is ordered that this cause be submitted.

No. 174. ✓

Teodoro Elias,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Antonio Orfila, attorney for appellant, herein,
It is ordered that the regular time for argument be granted in
this cause.

N

On motion of Attorney General E. H. Wells, It is ordered that
this cause be passed until to-morrow morning, January 12th.

No. 175 ✓

Ernest Hall,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be passed until to-morrow
January 12th.

No. 176. ✓

Santiago Berreyesa,
Appellant,
vs.
Territory of Arizona
Respondent.

On motion of J. L. B. Alexander Esq., Attorney for Appellant herein,
It is ordered that the regular time for argument be granted in
this cause.

✓

It is further ordered that the setting of this cause be
passed until to-morrow January 12th.

No. 177. Charles de Leon, Appellant, vs. Territory of Arizona, Respondent.

Jones and E.S. Clark, Esq. for attorney for appellant and moved the Court that this cause be set for hearing with case No. 175.

It is ordered that this cause be passed for the present.

No. 178. Justin F. Heath, Appellant, vs. Territory of Arizona, Respondent.

It is ordered by the Court that this cause be submitted.

On motion of Attorney General E.W. Wells, it is ordered that Respondent be granted fifteen days in which to file brief.

No. 787. The County of Cochise and M.D. Scribner, County Treasurer and Ex-Officio Tax Collector, Appellants, vs. Copper Queen Consolidated Mining Company, Appellee.

On motion of Wm. Herring, Esq. Attorney for Appellee herein, It is ordered that Appellants and Appellee each have one and one half hours for argument, in this cause.

It is further ordered that the hearing of this cause be set for January 13th, 1904.

Janu 11-1904. Joseph Curtis, et al.,
Appellants,
No. 796 ✓ vs.
Boyailles Land and Cattle Company
a corporation,
Appellee.

Comes now Ben Goodrich, Esq. attorney for Appellants herein, and moves the Court to submit this cause on briefs.

✓ On motion of Francis J. Heney, Esq. attorney for Appellee, herein It is ordered that time for argument of this cause be granted.

✓ It is further ordered that this cause be passed

Allen J. Bird, et al.,
Appellants,
No. 836. ✓ vs.
Adolphus H. Noon,
Appellee.

Comes now Frederick S. Nave, Esq. and notifies the Court that he is not attorney for appellants in this cause. W. H. Barnes, Esq., appearing for appellants; It is ordered by the Court that this cause be substituted for that of Frederick S. Nave as attorney for appellants herein.

Messrs. Astoria Gibson, George J. Sloneman, Louis O. Anderson, Frank W. Bennett and Willard P. Miller, made application for license to practice in this court, whereupon the Court appointed the following committee to conduct examination:-
Ben Goodrich, Jas. J. Hawkins, and S. E. Haggard.

On motion of Geo. D. Christy, Esq. It is ordered that James H. Land, who holds a certificate from the Supreme Court of the State of Illinois be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath, whereupon Mr. Land presented himself and took the oath in open court.

Jan 1st 1912

On motion of Antonio Ozaba, Esq., It is ordered that Joseph Sola, who holds a certificate from the Supreme Court of the State of New York, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath. Whereupon Mr. Sola presented himself and took the oath in open court.

On motion of L. H. Chalmers Esq., It is ordered that U. J. Clotfelter, Esq., who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, whereupon Mr. Clotfelter presented himself and took the oath in open court.

Jake Marks, et al.,
Appellants,
vs.
No. 846. The Bridgehead Mountain Railroad Company, a corporation,
Appellee.

On motion of U. J. Clotfelter Esq., Attorney for Appellee, Leave is ordered that he be granted permission to file Motion to Strike Abstract of Record and Motion to Dismiss Appeal. It is further ordered that said Motions be submitted.

Tom Li,
Appellant,
vs.
No. F32. Wm. E. Peck, et al.,
Appellees

On motion of Webster Street Esq., Attorney for appellees herein, It is ordered that the Motion to Dismiss Appeal filed herein by Appellees be presented to the Court.

E. C. Sturgt,
Appellant,
vs.
No. 842. ✓ Frank Williams,
Appellee.

On motion of E. S. Clark, at request of Attorneys for Appellee, It is ordered that the Motion to Affirm the Judgment be withdrawn.

It is ordered that this court stand adjourned until Tomorrow, January 13th, 1904, at 9:30 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A.D. 1904.
Phoenix Arizona, Tuesday, January 12th, 1904.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan " "
" Geo. R. David " "
S. M. Cullom, Clerk.
Frederick S. Nave, U.S. Attorney.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.
and the following business was transacted.

William Sidon,
Appellant,
vs.
No. 839. ✓ E. M. Redoman,
Appellee.

The Motion to Affirm the Judgment of the lower court, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the Judgment of the lower

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court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the appellee herein, do have and recover of and from the appellant herein, William Sidow, and J. H. Thompson and Annie Webster, sureties on appeal Bond herein, the sum of two hundred and sixty ($260.00) dollars, together with his costs in this court, taxed at twelve and 25/100 ($12.25) dollars, and his costs in the court below taxed at $13.20.; and have execution therefor.

No. 849.

Alfred Kinney,
Appellant,
vs.
James N. McCarthy,
Appellee.

The Motion to Affirm the Judgment of the lower court, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that said Motion be granted, and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the appellee herein, do have and recover of and from the appellant herein, Alfred Kinney, and W. F. McNelly and J. N. McDonough, sureties on appeal Bond, his costs in this court taxed at nineteen and 45/100 ($19.45) dollars, and his costs in the court below in this cause incurred, taxed at fourteen and 25/100 ($14.25) dollars.

No. 846.

Jake Marks, et al.,
Appellants,
vs.
The Bradshaw Mountain Railroad Company, a corporation,
Appellee.

It is ordered that the Motion to Strike Abstract of Record from the files, filed herein by appellee, and heretofore submitted, be and the same is, hereby granted.

No. 846.

Jake Marks, et al.,
Appellants,
vs.
The Grandview Mountain Railroad Company, a corporation,
Appellee.

The Motion to Dismiss the Appeal, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the appeal be and the same is hereby dismissed.

It is further ordered adjudged and decreed that the appellee herein do have and recover of and from Jake Marks and T. M. Crawford, Appellants herein, and R. H. Burmister and Oscar O'Neal, sureties on appeal bond, its costs in this court taxed at dollars, together with its costs in the court below in this cause incurred.

No. 812.

Phoenix Light & Fuel Company, a corporation,
Appellant,
vs.
Thos. D. Bennett,
Appellee.

The Motion for Re-hearing, filed herein by appellee, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be and the same is hereby denied.

No. 827.

Gila Bend Reservoir and Irrigation Company, a corporation,
Appellant
vs.
Peoria Canal Company, a corporation, et al.,
Appellees.

It is ordered that the Motion to Strike Abstract of Record from the files, filed herein by appellees, and heretofore submitted be and the same is hereby denied.

Jan. 12-1904

No. 829. V

C. W. Johnstone,
Appellant,
vs.
J. H. Robertson,
Appellee.

The Motion to Dismiss the Appeal, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the appeal be and the same is hereby dismissed.

It is further ordered, adjudged and decreed, that the appellee herein, do have and recover of and from C. W. Johnstone, appellant herein, and Lloyd B. Christy and Louis Meezer sureties on appeal bond, his costs in this court, taxed at dollars, and his costs in the court below, in this cause incurred.

No. 170. V

John Richards and Albert S. Neighbors,
Appellants,
vs.
Territory of Arizona,
Respondents.

The Motion to Dismiss the Appeal filed herein by Appellants, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the appeal be and the same is hereby dismissed.

No. 546. V

James L. Utter, et al.,
Plaintiffs,
vs.
Benjamin J. Franklin, et al.,
Late Commissioners of the
Territory of Arizona,
Respondents.

In this cause the Respondents having filed their final return to the peremptory writ of mandamus, and it appearing to the Court

that they have fully complied with the terms of said writ, It is ordered that no further proceedings be had, and that said writ be and the same is hereby discharged.

Martin Costello,
Appellant,
vs.
No. 784. Samuel Friedman, et al.,
Appellees.

The Motion to Reconsider Allowance of Appeal, filed herein by appellees, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the order heretofore entered herein, allowing appeal to the Supreme Court of the United States, is vacated.

Jon Ji,
Appellant,
No. 832. vs.
William E. Beck, et al.,
Appellees.

The Motion to Dismiss the Appeal, filed herein by Appellees, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the appeal be and the same is hereby dismissed.

It is further ordered, adjudged and decreed, that the appellees herein, William E. Beck, William H. Steele as Justice of the Peace in and for Precinct No. 11 in Graham County Territory of Arizona, and J. D. Hepfler as Constable of said Precinct No. 11 and as Deputy Sheriff of Graham County, Territory of Arizona, do have and recover of and from Jon Ji, appellant herein, and D. F. Enright and A. M. Harper, sureties on appeal bond herein their costs in this behalf in this cause incurred, taxed at seven ($7.00) dollars.

No. 2-Civ. Allen F. Bird, et al,
Appellants,
No. 536. vs.
Stephen R. Root,
Appellee.

The Motion to Dismiss Appeal, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be and the same is hereby denied.

Ernest Fear,
Appellant,
No. 552. vs.
G. A. Gauerbach,
Appellee.

The Motion to Affirm the Judgment of the lower court, on Short Transcript filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein, do have and recover of and from Ernest Fear, appellant herein and O. F. Sims and E. Z. Hoglich, sureties on appeal herein, the sum of Six Hundred Forty Five and 97/100 ($645.97) dollars, with interest on Four hundred and fifty ($450.) dollars from June 14th 1902, at the rate of fifteen (15%) per cent per annum, and with interest on One hundred seventy five and 97/100 ($175.97) dollars at the rate of six (6%) per cent per annum from said date, together with his costs in this behalf taxed at fourteen and 70/100 ($14.70) dollars, and his costs in the court below in this cause incurred, taxed at thirty-three and 99/100 ($33.99) dollars.

No. 822.

Axel N. Hallenborg and
J. Edward Addicks,
Appellants,
vs.
Cobre Grande Copper Company,
E. B. Gage, H. M. Adamson,
John H. Costello, J. Henry Wood, and
Con O'Keefe, its directors,
William C. Greene, Geo. Mitchell,
Phoenix National Bank, of Prescott,
Arizona, Territory, Cananea Consolidated
Copper Company, and Greene
Consolidated Copper Company
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellees herein do have and recover of and from Axel N. Hallenborg and J. Edward Addicks, Appellants herein, and Fidelity and Deposit Company of Maryland, surety on appeal bond, their costs in this court taxed at twenty-eight and 75/100 ($28.75) dollars, and their costs in the court below in this cause incurred.

To the Honorable, the Supreme Court of the Territory of Arizona:

Your committee, appointed to examine the following named applicants for license to practice law in the Supreme Court of the Territory of Arizona, to-wit: H. O. Miller, O. Gibson, George J. Sturgeon, C. Andersen, and Frank H. Bennett, beg leave to report that we have performed that duty and take pleasure in recommending that license be issued to each of said applicants.

Respectfully submitted,
Dick E. Kingsbury,
Jno. H. Campbell,
Geo. Wolfley,
Committee.

Jan. 12-'04. The committee appointed to examine N. C. Miller, O. Gibson, George J. Strouman, O. Anderson and Frank H. Bennett, as to their qualifications to practice in this court, reporting favorably:

It is ordered that they be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, the applicants presented themselves and took the oath in open court.

Pedro Elias,
Appellant,
No. 174. vs.
Territory of Arizona,
Respondent.

On motion of Antonio Orfila, attorney for appellant, herein, It is ordered that he be granted one and one half hours for argument of this cause.

On motion of E. H. Wells, Esq., for Respondent, It is ordered that this cause be set for Friday, January 15th. 1904.

United States of America,
Appellant,
No. 826. vs.
Gin Hing,
Appellee.

It is ordered that this cause be set for Friday, Jany 15th. 1904.

United States of America,
Appellant,
No. 830. vs.
Albert J. Linwood, et al.,
Appellees.

It is ordered that this cause be submitted on briefs.

Allen T. Bird, et.al.,
Appellants
No. 836. ✓ -vs-
Adolphus H. Noon,
Appellee.

On motion of H.H. Barnes, Esq., attorney for appellants herein,
It is ordered that this cause be submitted on briefs.

Silver Queen Mining Company,
a corporation,
Appellant,
No. 837. ✓ -vs-
Charles Crocker, et al.,
Appellees.

On motion of S.M. Franklin Esq., attorney for appellees herein,
It is ordered that he be granted twenty minutes for argument in this cause.
✓ It is further ordered that the hearing of this cause be set for today, Jan. 12th.

The County of Santa Cruz,
Appellant,
No. 844 ✓ -vs-
William H. Barnes and John H. Martin,
co-partners under the firm name
of Barnes & Martin,
Appellees.

On motion of S. M. Franklin, Esq., attorney for appellees herein,
It is ordered that he be granted twenty minutes for argument in this cause.
✓ It is further ordered that this cause be heard to-day, January 12th.

United States of America,
Appellant
No. 845 ✓ -vs-
William H. Meade, et al.,
Appellees.

On motion of Frederick S. Nave Esq., attorney for appellant herein, It is ordered that he be granted twenty minutes for argument in this cause.
✓ It is further ordered that this cause be set for January 14th 1904.

Jan. 12-'04

No. 831. ✓

J. M. Molina and Juan MacLiel,
Appellants,
vs.
H. D. Luce and Eliza D. Luce,
Appellees.

It is ordered that this cause be set for January 18th 1904.

No. 796. ✓

Joseph Curtis, et al.,
Appellants,
vs.
Bog-uillas Land and Cattle Company, a corporation,
Appellee.

Comes now Francis J. Heney, Esq. attorney for appellee herein, and moves the Court that this cause be heard the first thing tomorrow morning, January 13th, 1904.

It is ordered that said motion be denied.

No. 828. ✓

Martin Costello,
Appellant,
vs.
Enid Mauld, et al.,
Appellees.

It is ordered that this cause be submitted on Briefs.

No. 833. ✓

Charles MacRitchie, et al.
Appellants,
vs.
Helena Stevens, et al.,
Appellees.

It is ordered that this cause be submitted on Briefs.

No. 838. ✓

Copper King of Arizona, a corporation,
Appellant,
vs.
Peter Johnson, et al.,
Appellees.

On motion of W. A. Miller, Esq., It is ordered that his name be substituted for that of John D. McGowan, as Attorney for

Appellees herein.

It is further ordered that appellant and appellees each have thirty minutes for argument in this cause.

Charles M. Taylor,
Appellant,
vs.
No. 840. Thomas Burch, et al.,
Appellees.

On motion of William Herring, Esq., attorney for appellees herein, It is ordered that this cause be set for oral argument Monday, January 18th, 1904.

Wm Klein,
Appellant,
vs.
No. 850. Clay Hockett, et al.,
Appellees.

It is ordered that this cause be passed until tomorrow January 13th 1904.

Pedro Charbeau, et al.,
Appellants,
vs.
No. 851. Shields v Price,
Appellees.

It is ordered that this cause be submitted.

Josiah Anderson,
Appellant,
vs.
No. 172. Territory of Arizona.
Respondent.

On motion of E. W. Wells, Esq., attorney for Respondent herein, It is ordered that this cause be set for oral argument Monday January 18th 1904.

Jan. 12-04

No. 176.

Santiago Berruesa,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of J. L. B. Alexander, Esq., attorney for appellant herein, It is ordered that attorneys for appellant and Respondent be granted thirty minutes each for argument in this cause.

It is further ordered that this cause be set for January 19th 1904.

No. 827

Gila Bend Reservoir and Irrigation Company, a corporation,
Appellant,
vs.
Peoria Canal Company, a corporation, et al.,
Appellees.

On motion of J. B. Woodward, Esq., attorney for appellant herein, It is ordered that this cause be submitted on briefs.

No. 835

P. C. Robertson, Probate Judge and Ex Officio Trustee of North Globe Townsite,
Appellant,
vs.
Sarah S. Martin,
Appellee.

On motion of H. C. McFarland, Esq., for appellee, It is ordered that this cause be set for Tuesday, January 19th 1904.

No. 841

Robert Pringle,
Appellant,
vs.
Frank M. King,
Appellee.

It is ordered that the hearing of this cause be set for Tuesday, January 19th, 1904.

The Southern Pacific Company,
a corporation,
Appellant,

No. 843. ✓ vs.

S. F. Fitchett,
Appellee.

On motion of Alfred Franklin Esq., attorney for appellant herein
It is ordered that he be granted leave to correct typographical error on page
32 of Appellants Brief.

Salt River Valley Canal Company,
a corporation,
Appellant,

No. 847 ✓ vs.

Horace G. Van Gorden,
Appellee.

On motion of E. N. Lewis, Esq, attorney for appellee herein,
It is ordered that he be granted thirty minutes for argument in
this cause.

It is further ordered that the hearing of this cause be set
for January 20th 1904.

Ernest Hall,
Appellant,

No. 175. ✓ vs.

Territory of Arizona,
Respondent.

On motion of Robt. E. Morrison, Esq. for E. S. Clark, Esq, attorney for
Respondent, It is ordered that this cause be set for oral argument January 20th 1904.

It is further ordered that Appellant & Respondent each be granted thirty minutes
for argument.

Joseph Cortez, et al,
Appellants

No. 796. ✓ vs.

Arguillas Land and Cattle Company,
a corporation,
Appellee.

It is ordered that the hearing of this cause be set for
January 13th, 1904.

Jan. 12-04.

Charles D. Lee,
Appellant,
No. 177. ... vs.
Territory of Arizona,
Respondent.

On motion of Robt. E. Morrison, Esq., for E. S. Clark Esq. attorney for Respondent herein, It is ordered that this cause be set for oral argument January 20th 1904.

It is further ordered that Appellant and Respondent each be granted thirty minutes for argument.

James Shirley,
Appellant,
No. 834. ... vs.
George Mitchell, et al.,
Appellees.

Comes now Jno. J. Hawkins, Esq., attorney for appellant herein, and moves the Court that further proceedings in this cause be postponed for the present.

It is ordered that said motion be denied.

E. C. Sturgt,
Appellant,
No. 842. ... vs.
Frank Williams,
Appellee.

On motion of Robt E. Morrison Esq., for appellant, It is ordered that appellant be granted seven days in which to file brief.

It is further ordered that appellee be granted seven days thereafter to file his brief. and

It is further ordered that this cause be submitted on briefs.

E. B. Perrin,
Appellant,
No. 848. ... vs.
Mining Commission Company, a corporation
Appellee.

On motion of Jos. H. Kibbey, Esq., for appellee, herein,

It is ordered that this cause be submitted on briefs, provided briefs are filed within ten days.

No. 824. ✓

The Valley Bank,
Plaintiff,
vs.
Alexander O. Brodie, et al.,
Defendants.

On motion of Webster Street, Esq., attorney for Plaintiff herein, It is ordered that this cause be set for oral argument January 20th, 1904.

No. 847. ✓

Salt River Valley Canal Company
Appellant,
vs.
Horace G. Van Fossen,
Appellee.

On motion of E. H. Lewis, Esq., attorney for appellee herein, It is ordered that this cause be submitted on briefs.

No. 171 ✓

John Edwards,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set for Friday January 12-1904 and submitted on short brief.

No. 826. ✓

United States of America,
Appellant,
vs.
Gin Heing,
Appellee.

Stipulation extending time for hearing cause signed by Frederick S. Nave for Appellant, which is ordered filed.

Jan. 12-04. Delcan Queen Mining Company,
a corporation,
Appellant,
No. 837. vs.
Charles Crocker, et al.,
Appellees.

It is ordered that this cause be submitted on briefs.

The County of Santa Cruz,
Appellant,
No. 844. vs.
Wm. H. Barnes and John H. Martin,
co-partners under the firm name
of Barnes & Martin,
Appellees.

This cause coming on regularly for hearing was argued by Frederick S. Hart, Esq., for appellant and Selim M. Franklin Esq., for appellees, and cause ordered submitted.

John Edwards,
Appellant,
No. 171. vs.
Territory of Arizona,
Respondent.

The time for adjournment having arrived. It is ordered that this cause be re-set for tomorrow morning January 13th 1904, first thing.

It is ordered that this Court stand adjourned until to-morrow, January 13th, 1904 at 9:30 o'clock A. M.

Edward Kent Chief Justice.

Supreme Court, } January Term A.D. 1904.
Territory of Arizona. } Phoenix, Arizona, Wednesday January 13th 1904.

Court opened at 9:30 o'clock A.M.

Present- Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Cullom, Clerk.
U. S. Attorney.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

No. 179 ✓

Territory of Arizona,
Appellant,
vs.
R. R. Richardson and James Johnson,
Appellee.

On motion of Mark Smith Esq, for Appellant herein, It is ordered that the hearing of this cause be set for Monday January 18th, 1904.

No. 171 ✓

John Edwards,
Appellant,
vs.
Territory of Arizona
Respondent.

This cause coming on for hearing was argued by H. D. Miller, Esq, for Appellant and E. H. Wells, Esq, for Respondent, and cause ordered submitted.

In the Matter of the account of the Clerk of this Court for fee allowance for the Quarter ending December 31st 1903, presented for allowance, the following order was made in open Court.

Whereas, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account for his official services from the first day of October, 1903, to the thirty-first day of December, 1903, with the items thereof,

Sec. 13-14 in the Interest of the United States District Attorney, and they by Exhibit attached to the record to the satisfaction of the Court that the services therein charged have been actually and necessarily performed as therein stated; and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to Twenty and 20/100 ($20.20) Dollars, be, and the same is hereby allowed.

It is hereby certified that upon each day for which a fee item is charged in this account, the Court was closed for business and the Judges present and presiding.

January 13th 1904.

Edward Kent.
Chief Justice Supreme Court,
Territory of Arizona.

No. 165.

Joseph Dent,
Appellant,
vs.
United States of America,
Respondent

This cause coming on regularly for hearing was argued by Edward M. Doe, Esq. and E. S. Clark, Esq. for Appellant and by Frederick S. Nave, Esq. for Respondent, and cause ordered submitted.

No. 169.

Territory of Arizona,
Appellant,
vs.
A. A. Richardson and James Johnson,
Appellees.

Entered on page 161.

On motion of M. A. Smith, Esq. for Appellants herein, it is ordered that the hearing of this cause be set for Monday January 18- 1904.

No. 171.

John Edwards,
Appellant,
vs.
Territory of Arizona,
Respondent.

Entered on page 161

This cause coming on for hearing was argued by H. C. Miller, Esq. for Appellant, and cause ordered submitted.

No. 845 ✓

United States of America,
Appellant,
vs.
William K. Meade, et al.,
Appellees.

On motion of Frederick S. Nave, Esq., attorney for appellant herein, It is ordered that he be granted leave to insert additional citations and remarks, in his brief.

No. 787. ✓

The County of Archie, and M. D. Scribner
County Treasurer and Ex-Officio Tax Collector,
Appellants,
vs.
Copper Queen Consolidated Mining Company,
Appellee.

On motion of William Herring Esq, attorney for appellee herein, It is ordered that this cause be re-set for hearing, and that it will be heard the first thing to-morrow morning, January 14th 1904.

No 796. ✓

Joseph Curtis, et al.,
Appellants,
vs.
Boquillas Land and Cattle Company,
a corporation,
Appellee.

✓ On motion of Francis J. Henry Esq., attorney for appellee herein, It is ordered that he be granted five days in which to file Brief.

✓ On motion of Ben Goodrich Esq., attorney for appellants herein; It is ordered that he be granted five days thereafter in which to file reply Brief.

✓ This cause coming on for hearing was argued by Ben Goodrich, Esq., for Appellants, and F. J. Henry, Esq., for Appellee, and cause ordered submitted.

It is ordered that this Court stand adjourned until to-morrow, January 14th, 1904, at 9:30 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A. D. 1904
Phoenix, Arizona. Thursday, January 14th 1904.

Court opened at 9:30 o'clock A.M.

Present- Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
D. McCallum, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.
United States Attorney.

The following business was transacted.

Teodoro Elias,
Appellant,
vs.
No. 174. /
Territory of Arizona,
Respondent.

On motion of E. H. Wells, Esq., It is ordered that Respondent herein have thirty days in which to file brief.

It is further ordered that Appellant herein have fifteen days thereafter in which to file reply brief.

It is further ordered that the order made January 12th setting cause for hearing Friday January 15th ult. and the same is hereby vacated.

In the Matter of the publication of the reports of the decisions of the Supreme Court.

Upon the application of E. H. Lewis, Official Reporter of the Supreme Court of the Territory of Arizona,

It is ordered that the said Reporter be and he is hereby permitted to withdraw, without receipt, from the files in the office of the Clerk of said Supreme Court in each and every case wherein there are filed on file two or more copies of briefs, one copy of such briefs for use of said reporter in preparation of the official reports of the decisions of said Court;

And it is further ordered that this order shall extend to all cases in which the number of the briefs required by this rule may hereafter filed.

No. 787. ✓

The County of Cochise and M. D. Scribner,
County Treasurer and Ex-Officio Tax Collector,
Appellants,
vs.
Copper Queen Consolidated Mining
Company,
Appellee.

This cause coming on for hearing, was argued by H. C. McFarland, Esq. for appellants and Thomas Mitchell, Esq., and William Herring, Esq., for appellees, and cause ordered submitted.

No. 845 ✓

United States of America,
Appellant,
vs.
William E. Meade, et al.,
Appellees.

It is ordered that the hearing of this cause be set for to-morrow, January 15th, 1904.

No. 838. ✓

Copper King of Arizona, a corporation,
Appellant,
vs.
Peter Johnson, et al.,
Appellees.

It is ordered that the hearing of this cause be set for to-morrow, January 15th, 1904.

No. 845 ✓

United States of America,
Appellant,
vs.
William E. Meade, et al.,
Appellees.

On motion of Frederick S. Nave, Esq., Attorney for Appellant herein, It is ordered that this cause be submitted on briefs.

On motion of Frederick S. Nave, Esq., Attorney for Appellant herein, It is ordered that he be granted forty days in which to file and serve brief for Appellant herein, and

On motion of Geo. Goodrich, Esq., Attorney for Appellees herein,

Jany. 14-'04 It is ordered that he be granted permission to add additional matter to his Brief.

The County of Cochise and M. D. Scribner, County Treasurer and Ex-Officio Tax Collector, Appellants,

No. 787. vs.

Copper Queen Consolidated Mining Company, Appellee.

On motion of Thomas Mitchell, Esq., attorney for Appellee herein, It is ordered that he be granted ten days in which to file Brief.

It is ordered that this court stand adjourned until to-morrow January 15th 1904, at 9:30 o'clock A. M.

Edward Kent Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A. D. 1904.
Phoenix Arizona. Friday, January 15th 1904.
Court opened at 9:30 o'clock A.M.

Present: Honorable, Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, " "
D. M. Cudlom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

Copper Kings of Arizona, a corporation, Appellant,

No. 838. vs.

Peter Johnson, et al., Appellees.

It is ordered that this cause be submitted on briefs.

It is ordered that this cause stand adjourned until Monday January 18th, 1904, at 9:30 o'clock A. M.

Edward Kent Chief Justice

Supreme Court, Territory of Arizona. } January Term, A. D. 1904.
Phoenix, Arizona. Monday January 18th 1904.

Court returned at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis " "

S. M. Cullom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following Business was transacted.

No. 534.

James Shirley, Appellant,
vs.
George Mitchell, et al., Appellees.

March 24 - 1905.
Satisfaction of Judgment for costs filed herein.

The Motion to Dismiss Appeal, filed herein by Appellees, having been heretofore submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted, and the appeal be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed, that the appellees herein George Mitchell, Mary Mitchell, William C. Greene, J. H. Costello, Cobre Grande Copper Company, and Phoenix National Bank, do have and recover of and from James Shirley, Appellant herein, and the Fidelity and Deposit Company of Maryland, surety on appeal bond, their costs in this court taxed at eight and 25/100 ($8.25) dollars,

No. 628.

Jno. Ferr,
Appellant,
vs.
City Rocky Fork Ditch Co.
Appellee.

The Petition for Appeal herein having been submitted and the Court having considered the same and being fully advised in the premises: It is ordered that said Petition be granted and the judgment of the Lower Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Appellant herein Wm. Tobin, and H. E. McDonald, Col. Orlock and H. Schmidt sureties on appeal bond, their cost in this Court taxed at Ten and 50/100 ($10.50) dollars, and their cost in the Court below taxed at Thirty-four and 15/100 ($34.15) dollars, and have execution therefor.

No. 646.

Jake Banks, et al.,
Appellants,
vs.
The Gunnison Mountain Railroad Company, a corporation,
Appellee.

On motion of Jno. J. Hawkins, Esq., attorney for appellants herein, It is ordered that he be granted leave to file Petition for Re-hearing herein.

It is further ordered that remittitur be stayed until further ordered.

No. 629.

C. N. Johnstone,
Appellant,
vs.
J. H. Robertson,
Appellee.

In this cause it is ordered that the order heretofore entered on the 12th day of January, 1904 granting the Motion to Dismiss the Appeal herein and the same is hereby vacated and set aside.

On motion of Hatch Bennett Esq. attorney for appellee herein, It is ordered that this cause be set for January 20th on motion calendar.

The Southern Pacific Company,
a corporation,
Appellant,
vs.
No. 843. S. F. Tickett,
Appellee.

On motion of Frank Dorn Esq. attorney for appellant herein, It is ordered that he be granted leave to attach "Corrected Statement of the Case" to Appellants Brief herein, further time filed.

On motion of Hatch Bennett, Esq. attorney for appellee herein, It is ordered that this cause be submitted on Briefs.

On motion of Frank Dorn Esq. It is ordered that H. K. Pickett, Esq. who filed a certificate from the Supreme Court of the State of Utah, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath, and he thereupon in open court took the Constitutional oath of office, as prescribed in section 395 of the Code of Civil Procedure.

Charles H. Taylor,
Appellant,
vs.
No. 840. Thomas Quong et al.,
Appellees.

On motion of Hatch Bennett Esq. for appellees, It is ordered that Appellees be granted to and including additional citations on page 15 of this Brief.

J. M. Nelson and James MacFall,
Appellants
vs.
No. 831. H. D. Lee and Edgar A. Levy,
Appellees

This cause coming on for hearing, was argued by E. D. Sha

Jan. 18-'04 Esq. for Appellant, and cause ordered submitted.

Charles M. Taylor,
Appellant,
No. 840. vs.
Thomas Burns, et al.,
Appellees.

This cause coming on for hearing was argued by Mrs. Sarah T. H. Darrin, for appellees, and cause ordered submitted.

Josiah Anderson,
Appellant,
No. 172. vs.
Territory of Arizona,
Respondent.

On motion of Attorney General Wells, attorney for Respondent herein, It is ordered that the name of Geo. P. Bullard Esq. be entered herein as of counsel for Respondent.

This cause coming on for hearing was argued by J. L. B. Alexander Esq. for Appellant, and argument ordered continued until tomorrow January 19th.

On motion of J. L. B. Alexander Esq., attorney for Appellant herein, It is ordered that he be granted two days in which to examine brief of Respondent herein.

It is ordered that this Court stand adjourned until to-morrow, January 19th, 1904, at 9.30 o'clock A. M.

Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A.D. 1904.
Phoenix, Arizona, Tuesday, January 19th 1904.
Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
D. M. Cudlom, Clerk,
M. H. Calderwood, Crier.
Dean Woodward Bailiff.

The following business was transacted:

On motion of E. J. Edwards, Esq., It is ordered that James M. Sullivan Esq., who holds a certificate from an Appellate Division of the Supreme Court of the State of New York, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, and he thereupon in open court took the Constitutional oath of office, as prescribed in section 395 of the Code of Civil Procedure.

P. C. Robertson, Probate Judge and Ex Officio Trustee of North Globe Townsite,
Appellant,
vs.
No. 835. Sarah S. Martin,
Appellee.

On motion of E. J. Edwards, Esq., for appellee, It is ordered that he be granted permission to insert additional citations in Brief of Appellee.

C. H. Johnstone,
Appellant,
vs.
No. 829. J. H. Robertson,
Appellee.

On motion of Walter Bennett, Esq., attorney for appellee herein, It is ordered that this cause be submitted on Brief on both sides.

Jan. 19. '04

No. 172.

Josiah Anderson,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause being continued from yesterday, argument was resumed by Geo. P. Bullard Esq. and Attorney General E. W. Wells, for Respondent, and argument closed by Webster Street Esq. for Appellant, and cause ordered submitted.

No. 179.

Territory of Arizona,
Appellant,
vs.
R. A. Richardson and James Johnson,
Appellees

This cause coming on for hearing was argued by Mark. Smith Esq., for Appellant and Frank Kerford Esq., for appellees and cause ordered submitted.

No. 176.

Santiago Berruyesa,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by J. L. B. Alexander for appellant and Attorney General E. W. Wells, for Respondent, and cause ordered submitted.

No. 835.

P. C. Robertson, Probate Judge and Ex. Officio Trustee of North Globe Townsite,
Appellant,
vs.
Sarah S. Martin,
Appellee.

This cause coming on for hearing was argued by Peter T. Robertson, Esq., for appellant, and by E. J. Edwards Esq., for appellee, and cause ordered submitted.

Robert Pringle,
Appellant,
vs.
No. 841. ✓
Frank M. King,
Appellee.

This cause coming on for hearing was argued by E. J. Edwards, Esq. for appellant, and cause ordered continued until tomorrow morning, January 20th.

It is ordered that this court stand adjourned until tomorrow January. 20th 1904, at 9:30 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A.D. 1904.
Phoenix, Arizona, Wednesday, January 20th 1904
Court opened at 9:30 o'clock, A.M.

Present, Honorable Edward Kent. Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, "
" Geo. R. David, "
S. M. Cudmi, Clerk.
M. H. Calderwood, Crier
Dean Woodward, Bailiff.
The following proceedings were transacted.

Upon motion of Webster Street, Esq, Ent. J. F. Morris, Esq. was admitted to practice in this court. The Court appointed the following committee to conduct examination and report to morrow morning: Webster Street, Ed. H. Wells and E. J. Edwards.

Robert Pringle,
Appellant.
vs.
No. 841. ✓
Frank M. King,
Appellee.

This cause being continued from yesterday, argument was

Jan. 20-'04 renewed by Geo. J. Sturgeon, for appellee, and cause ordered submitted.

The Valley Bank,
Plaintiff,
No. 824 ✓ vs.
Alexander O. Brodie, et al.,
Defendants.

On motion of Chas. Bowman, Esq., It is ordered that the name of H. L. Pickett, Esq., be entered herein as of counsel for Defendants.

This cause coming on for hearing was argued by Webster Street, Esq., for Plaintiff and H. L. Pickett, Esq., and Chas. Bowman, Esq., for Defendants and cause ordered submitted.

Ernest Hall,
Appellant,
No. 175 ✓ vs.
Territory of Arizona,
Respondent.

On motion of Attorney General Wells. It is ordered that Appellant herein be granted ten days from this date in which to file reply brief.

It is further ordered that this cause be submitted on briefs

Charles De Leon,
Appellant,
No. 177 ✓ vs.
Territory of Arizona,
Respondent.

On motion of Attorney General Wells, It is ordered that Respondent be granted twenty-five days in which to file brief.

Jesse I. Hinds,
Appellant,
vs.
No. 178 ✓
Territory of Arizona,
Respondent.

On motion of Attorney General Wells, It is ordered that Respondent be granted ten days further time in which to file Brief.

It is further ordered that this cause be submitted on Briefs

It is ordered that this court stand adjourned until to-morrow, January 21st 1904, at 9.30 o'clock A.M.

Edward Kent. Chief Justice

Supreme Court } January Term A.D. 1904.
Territory of Arizona. } Phoenix, Arizona, Thursday, January 21st 1904

Court opened at 9.30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" Geo. R. David
S. M. Cullom, Clerk
M. H. Calderwood, Crier.
Dean Woodward Bailiff.

The following Proceedings were transacted:

In the Matter of the Application of
J. J. Moran
to be admitted to the Bar.

To the Honorable Supreme Court:

We, your committee appointed to examine J. J. Moran, as to his qualifications as a lawyer to be admitted to practice before the Supreme Court and the various courts of the Territory of Arizona, beg leave to report that we have made an examination into the qualifications of the said J. J. Moran as to his learning and fitness to become a practitioner at the bar and upon such examination recommend him for admission.

We further certify that we have made the examination

Jan. 21-'04 into his character and morals and they so far are satisfactory.

Respectfully submitted,
Webster Street.
Ed. H. Wells.

Dated, January 21, 1904.

The Committee appointed to examine F. F. Moran, Esq., as to his qualifications to practice in this court, reporting favorably, It is ordered that he be admitted to practice in this court upon signing the roll of attorneys and taking the usual oath, and he thereupon in open court took the Constitutional oath of office, as prescribed in section 395 of the Code of Civil Procedure.

No. 849. ✓

Alfred Kinney,
Appellant,
vs.
James K. McCarthy,
Appellee.

It is ordered that the Motion to set aside order affirming judgment and to re-instate cause, filed herein by Appellant, be and the same is hereby denied.

No. 846. ✓

Jake Markel, et al.,
Appellants,
vs.
The Bradshaw Mountain Railroad Company, a corporation.
Appellee.

✓ In this cause it is ordered that the order heretofore entered on the 12th day of January, 1904, granting the Motion to Dismiss the Appeal, be and the same is hereby vacated, and

✓ It is further ordered that the cause be and the same is hereby re-instated.

✓ It is further ordered that Appellants herein be granted fifteen days from this date in which to file Abstract of Record and Briefs, and cause ordered submitted on Briefs.

E. C. Averyt,
Appellant,
vs.
No. 842. ✓
Grace Williams,
Appellee.

Cross and Hickle, Stark Esq. for Appellant's Petition, and Cross and Cross for Appellee's Petition to Affirm the Judgment of the Lower Court filed herein be granted.

On motion of E. H. Hull, Esq. for Appellant, It is ordered that the Petition to affirm the Judgment of the Lower Court, filed herein by Appellee, be and the same is hereby denied.

It is further ordered that the cause be reinstated on docket.

It is further ordered that Petition be granted next week from to-day in which to file Brief.

It is ordered that the Court stand adjourned until Saturday, March 26th, 1904 at 10 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1904.
Territory of Arizona. } Phoenix, Arizona. Saturday March 26th 1904.
Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan,
Geo. R. David,
S. M. Cullen, Clerk.
F. S. Nave, U. S. Attorney.
M. H. Caldenwood, Court Reporter.
Sean Woodward, Bailiff.

The following business was transacted.

Axel H. Hallenborg, et al.
Appellants.
vs.
No. 822. ✓
Cobre Grande Copper Company, et al.
Appellees.

It is ordered that the

Mch. 26 '04. Motion for re-hearing filed herein by Appellants & and the same is hereby submitted.

Jake Marks, and B. McCrawford,
Appellants,
No. 846. vs.
The Bradshaw Mountain Railroad Company, a corporation,
Appellee.

It is ordered that the Motion to Strike out Abstract of Record, filed herein by Appellee, be and the same is hereby submitted.

National Metal Company,
a corporation,
Plaintiff in Error,
No. 853. vs.
Irene Consolidated Copper Company, a corporation, et al.,
Defendants in Error.

It is ordered that the Motion for hearing of this cause, filed herein by Plaintiff in Error, be and the same is hereby submitted.

J. E. McCoy,
Appellant,
No. 854. vs.
J. J. Brooks,
Appellee.

It is ordered that the Motion to Dismiss Appeal and Affirm Judgment of the lower court, filed herein by Appellee, be and the same is hereby submitted.

No. 809. ✓

Arthur J. Edwards, Administrador of the Estate of Edward P. Hayden, deceased, Appellant,

vs.

Charles F. Simms, et al., Appellees.

It is ordered that the motion to set aside order granting an appeal in this cause to the Supreme Court of the United States, filed herein by Appellees, be and the same is hereby submitted.

No. 176. ✓

Santiago Berreyesa, Appellant,

vs.

Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below be and the same is hereby affirmed.

No. 175 ✓

Ernest Hall, Appellant,

vs.

Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the appeal herein be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Respondent herein, do have and recover of and from Ernest Hall, Appellant herein, its costs in this cause, taxed at fourteen and 75/100 ($14.75) dollars.

No. 178. ✓

Justin F. Kinsley, Appellant,

vs.

Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having

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considered the same and being fully advised in the premises:
It is ordered that the judgment of the district court be and the same is hereby reversed, with directions that the district court sustain the demurrer to the indictment.

Charles Mac Ritchie and John Nichol,
Appellants,

No. 833 v.

vs.

Helena Stevens, Mary Truman,
Margaret Phy, and W. C. Truman, Sheriff,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellees herein, do have and recover of and from Charles Mac Ritchie and John Nichol, appellants herein, and A. F. Baker and W. J. Price, sureties on appeal bond herein, their costs in this court taxed at twenty and 70/100 ($20.70) dollars, together with their costs in the court below in this cause incurred.

P. C. Robertson, Probate Judge and
Ex Officio Trustee of North Globe Townsite,
Appellant;

No. 835

vs.

Sarah S. Martin,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the district court be and the same is hereby reversed, and the cause remanded with directions that the district court enter a judgment in favor of the defendants.

It is further ordered, adjudged and decreed that the appellant herein do have and recover of and from Sarah S. Martin

Appellee herein, his costs in this court, taxed at eighty-three and 50/100 ($83.50) dollars.

E. D. Perrin,
Appellant,
vs.
No. 848. Mallory Commission Company,
a corporation,
Appellee.

This cause having heretofore been submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby, reversed, and the cause remanded for a new trial.

It is further ordered, adjudged, and decreed that the Appellant herein do have and recover of and from the Mallory Commission Company, a corporation, Appellee herein, his costs in this court taxed at fifty-one and 90/100 ($51.90) dollars.

Abel H. Hallenborg, et al.,
Appellants,
No. 822. vs.
Cobre Grande Copper Company, et al,
Appellees.

It is ordered that the Motion for Re-hearing, filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

Teodoro Chiaf,
Appellant,
No. 174. vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby affirmed.

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No. 802.

C. E. Howard,
Appellant,
vs.
E. B. Perrin,
Appellee.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that this cause be and the same is hereby remanded to the lower court with directions to enter the judgment bearing interest at the rate of six per cent (6%) per annum, and in all other respects the judgment of the lower court is hereby affirmed.

It is further ordered, adjudged and decreed, that E. B. Perrin Appellee herein, do have and recover of and from C. E. Howard, Appellant herein, and T. A. Riordan and M. J. Riordan, sureties on Supersedeas Bond herein the sum of Six hundred eighty-four and 66/100 ($684.66) dollars with interest thereon at the rate of six (6%) per cent per annum from the 26th day of September A. D. 1901, together with his costs in this court taxed at twenty-four and 75/100 ($24.75) dollars and his costs in the court below taxed at one hundred twenty-four and 10/100 ($124.10) dollars, and that he have execution therefor.

Six Parcels of Placer Gold,
Appellant,
vs.
No. 819. United States of America,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the United States of America Appellee herein, do have and recover of and from Jose San Vicente, as claimant of Six Parcels of Placer Gold, Appellant herein, and M. C. Freeman and H. B. Penny, sureties on bond on appeal, herein, its costs in this court taxed at twenty-five and 22/100 ($25.22) dollars, together with its costs in the Court below.

No. 824. ✓

The Valley Bank,
Plaintiff,
vs.
Alexander O. Brodie, Isaac T. Stoddard, H. F. Nichols, Louis Commissioners of the Territory of Arizona, and The City of Tombstone, of the Territory of Arizona,
Defendants.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the petition for a peremptory writ of mandamus be denied, and this proceeding be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Defendants herein do have and recover of and from the Valley Bank, Plaintiff herein, its costs in this cause incurred, taxed at thirty and 60/100 ($30.60) Dollars and that execution issue therefor.

No. 828. ✓

Martin Costello,
Appellant,
vs.
Ernst Markel, L. C. Shattuck and H. R. Hamburger,
Appellees.

Upon the written stipulation of the parties hereto, heretofore filed herein, and upon the stipulation of counsel for the respective parties, now made in open court this 26th day of March, A. D. 1904,

It is ordered and adjudged by the Court that this cause be and the same is hereby remanded to the District Court of the Second Judicial District of the Territory of Arizona in and for the County of Cochise, with directions to set aside the judgment and decree entered in said court, and enter judgment in favor of the defendant in said court, the said Martin Costello, as prayed for by him in his counter claim and cross complaint.

It is further ordered and adjudged by the Court that the said Martin Costello, appellant herein, do have and recover of the said Ernst Markel, L. C. Shattuck and H. R. Hamburger, appellees herein, the costs by him in this cause incurred, taxed at one hundred forty and 10/100 ($140.10) dollars.

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No. 829.

C. H. Johnstone,
Appellant.

vs.

J. H. Robertson,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

It is further ordered, adjudged, and decreed that the Appellee herein do have and recover and from the Appellant herein, C. H. Johnstone and Lloyd B. Christy and Louis Metzger, sureties on appeal bond, his costs in this court taxed at thirty-six and 15/100 ($36.15) dollars, and his costs in the Court below in this cause incurred taxed at thirty-nine and 25/100 ($39.25) dollars and that judgment be docketed in the lower court in accordance therewith.

J. M. Molina and Juan Maclis,
Appellants,

No. 831.

vs.

H. D. Luce and Eliza D. Luce,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Appellants herein, J. M. Molina and Juan Maclis, and E. F. Sangninetti and O. F. Townsend, sureties on appeal bond, their costs in this court, taxed at $ ..... , and their costs in the court below in this cause incurred, taxed at two hundred forty and 20/100 ($240.20) dollars.

Helen F. Bird and Carla N. Bird,
Appellants,

No. 836.

vs.

Adolphus H. Noon,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having

considered the same and being fully advised in the premises;
It is ordered that the judgment of the District Court be and the same is hereby reversed, and the cause remanded to that court with directions to enter judgment for the plaintiffs.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellee herein, Adolphus H. Noon, their costs ~~costs~~ in this court taxed at ninety-six and 70/100 ($96.70) dollars, together with their costs in the court below in this cause incurred, and that judgment be docketed in the lower court in accordance therewith.

No. 837.

Silver Queen Mining Company,
a corporation,
Appellant,
vs.
Charles Crocker, Jasper D. Skinner,
and Charles E. Udall,
Appellees.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Appellant herein, the Silver Queen Mining Company, and the United States Fidelity and Guaranty Company, surety on Appeal Bond herein, their costs in this court taxed at thirty-five ~~——~~ ($35.00) dollars, together with their costs in the court below, and that judgment be docketed in the lower court in accordance therewith.

No. 844.

The County of Santa Cruz,
Appellant,
vs.
William H. Garcia, and John H. Martin,
Co-partners under the firm name
of Garcia & Martin,
Appellees.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having con-

Feb. 26-'04 ...considered the cause and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the County of Santa Cruz, Appellant herein, and John Durant and Geo. E. Marsh, sureties on Appeal Bond herein, their costs in this court, fixed at thirty-three and 60/100 ($33.60) dollars, together with their costs in the court below, and that judgment be docketed in the lower court in accordance therewith.

No. 172.

Josiah Anderson,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below be and the same is hereby reversed, and the cause remanded for a new trial.

No. 173.

United States of America,
Appellant,
vs.
John S. Fogelle,
Respondent.

In this cause, it is ordered that the legal issue submitted for determination by this Court, be and the same is hereby decided in favor of the Appellant.

No. 738.

Martin Gadt,
Appellant,
vs.
The Maricopa Canal Company,
a corporation,
Appellee.

See Page

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the cause and being fully advised in the premises: It is ordered that the ~~judgment of the court below be, and the same is hereby, reversed~~

No. 827.

The Gila Land Reservoir and Irrigation Company, a corporation,
Appellant,
vs.
The Gila Water Company,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein, do have and recover of and from the Gila Land Reservoir and Irrigation Company, a corporation, Appellant herein, its costs in this court, taxed at twenty-nine and 25/100 ($29.25) dollars, and its costs in the court below in this cause incurred.

No. 830.

United States of America,
Appellant,
vs.
Albert J. Griswold, L. H. Metz,
Edward Fitcomb, Theo. Geller,
and Fred. Herring,
Appellees.

This cause having been heretofore submitted to the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

[illegible] the Petitioner's Petition for Judgment by the Court be set
[illegible] the Petitioner's Petition for Judgment be set

It is further ordered, adjudged and decreed that the Petitioner, do have and recover of and from the Respondent, the sum of Two Hundred Forty-one and 45/100 ($241.45) Dollars and its costs in the District Court to be taxed.

Joseph Curtis, Etux,
Petitioners,
vs.
Engineer Realty Corp.
Respondent,
and
Engineer Realty Corp.
Petitioner,
vs.
Joseph Curtis, Etux,
Respondents.

This cause coming on for hearing upon the Petition in Error and Cross Petition in Error of the Engineer Realty Corporation, a corporation, plaintiff in error, and Joseph Curtis and Ethel Curtis, husband and wife, defendants in error, to reverse and vacate a judgment rendered in the District Court of Tulsa County, State of Oklahoma, on the 22nd day of January, 1925, and the Cross Petition in Error of Joseph Curtis and Ethel Curtis, husband and wife, plaintiffs in error, to reverse and vacate a judgment rendered in the District Court of Tulsa County, State of Oklahoma, on the 22nd day of January, 1925, and the Court having heard the arguments of counsel and being fully advised in the premises finds that the judgment of the District Court should be affirmed.

It is therefore ordered, adjudged and decreed that the Petitioner Curtis do have and recover of and from Joseph Curtis, Samuel Curtis, H. S. Gray, — Fritts, Charles Rahrer, Frank Jorgen, A. J. Boyer, Charles Noel, Miles Noyes, H. C. Herrick, Peter Lowe, John Eckart, Leon Navier, Estimo Lopez, Joe Lewis, Lewis Rodriguez, Dolores Padia, Nicanor Ochoa, Mrs. Nate Lemaster, Miguel Valenzuela, Hong Fok Ling, and Charley Hong Appellants herein, and F. N. Hewett and H. S. King, sureties on Appeal Bond, the sum of Two Hundred Forty-three and 45/100 ($243.45) dollars, and its costs in the Court below in this cause incurred, taxed at One Hundred Thirty-seven and 30/100 ($137.30) dollars, and have execution therefor.

No. 840.

Charles M. Taylor,
Appellant,
vs.
Thomas Tracy, John A. Duncan, and S. R. Kaufman,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Charles M. Taylor, Appellant herein, and Ezra Randolph and H. G. Tenney, sureties on Appeal Bond herein, their costs in this court taxed at Fifty-two and 50/100 ($52.50) dollars, and their costs in the court below, in this cause incurred.

No. 165.

Joseph Dent,
Appellant,
vs.
The United States of America,
Respondent.

This cause having been heretofore submitted upon motion, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court in favor of the United States be and the same is hereby affirmed.

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No. 171. John Edwards, Appellant
vs.
Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the District Court be and the same is hereby affirmed.

No. 172. Territory of Arizona, Appellant,
vs.
A. A. Richardson and James Johnson, Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the Court below be and the same is hereby, affirmed.

No. 826. United States of America, Appellant,
vs.
Gee Hong, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgment of the District Court be and the same is hereby, reversed, with instructions to that Court to enter judgment in conformity with the opinion heretofore filed.

No. 838. ✓

Copper King of Arizona, a corporation,
Appellant.

vs.

Peter Johnson, A. H. Emanuel, M. D. Scribner, John Doe and Richard Roe,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Copper King of Arizona, Appellant herein, and Chas. M. Renaud and Wm. D. Monmonier, sureties on Appeal Bond herein, their costs in this court taxed at twenty and 70/100 ($20.70) dollars, and their costs in the court below, in this cause incurred, and that judgment be docketed in the lower court in accordance therewith.

No. 842. ✓

E. C. Strayt,
Appellant,

vs.

Frank Williams,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from E. C. Strayt, Appellant herein, and Ed Shumate and C. M. Raible, sureties on Appeal Bond herein, his costs in this Court taxed at thirty-five and 75/100 ($35.75) dollars, together with his costs in the Court below in this cause incurred, taxed at twenty-seven and 80/100 ($27.80) dollars, and that judgment be docketed in the lower court in accordance therewith.

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No. 845.

United States of America,
Appellant,
vs.
William N. Meade, Casper Taylor, Lewis N. Glenn, Ben Goodrich, and John H. Slaughter,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

Jake Markel, and B. M. Crawford,
Appellants,
vs.
The Bradshaw Mountain Railroad Company, a corporation,
Appellee.

No. 846.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from Jake Markel and B. M. Crawford, Appellants herein, and R. H. Burmister and Oscar O'Neal, Sureties on appeal bond, its costs in this court taxed at Forty and 60/100 ($40.60) dollars, together with their costs in the court below, taxed at One hundred twenty-nine and 20/100 ($129.20) dollars.

No. 822. ✓

Axel N. Hallenborg, and J. Edward Addicks,
Appellants,
vs.
Coke Grande Copper Company, et al.,
Appellees.

In this cause, Jos. J. Hawkins, Esq., attorney for appellants, since, in open court gave notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moved the Court that the appeal be allowed, and that it fix the amount of the cost bond on appeal, whereupon it was ordered by the Court that the appeal be allowed, and, It is further ordered that the amount of the bond on appeal be fixed in the sum of one thousand ($1,000.) dollars.

No. 796. ✓

Joseph Curtis, et al.,
Appellants,
vs.
Bogueillas Land and Cattle Company, a corporation,
Appellee.

In this cause Ben Goodrich, Esq., attorney for Appellants, in open court gave notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moved the Court that the appeal be allowed, and that it fix the amount of the cost bond on appeal, whereupon, the Court ordered that the appeal be allowed, and, It is further ordered that the amount of the bond on appeal be fixed in the sum of one thousand ($1,000.) dollars.

✓ On motion of Ben Goodrich, Esq., for Appellants, it is ordered that they be granted thirty days within which to file Statement of Facts.

No. 810 ✓

Thomas F. Wilson, on behalf of the Territory of Arizona,
Appellant,
vs.
N. O. Murphy, et al.,
Appellees.

Conner and Alfred Franklin, Esq. for E. S. Ives, Esq., attorney for Appellant, and moves the Court that the Statement of Facts

Mch 26- '04 presented in this cause be signed; the Court took said motion under consideration.

Thomas F Wilson, on behalf of the Territory of Arizona,
Appellant,
No. 811 vs.
Geo. H. Vickers, et al.,
Appellees

Comes now Syrus Franklin, Esq., for E.S. Ives, Esq., attorney for appellant herein, and moves the Court that the Statement of Facts presented in this cause be signed, the Court took said motion under consideration.

Joseph Dent,
Appellant,
No. 165 vs.
United States of America
Respondent.

In this cause E. M. Doe, Esq., attorney for appellant in open court gave notice of appeal from the judgment of this court, to the Circuit Court of Appeals and moved the Court that the appeal be allowed and that it fix the amount of the cost bond on appeal; It is ordered by the Court that the appeal be allowed, and It is further ordered that the amount of the cost bond be fixed in the sum of five hundred ($500.) dollars

Charles M. Taylor,
Appellant
No. 840 vs.
Thomas Duncan, et al.,
Appellees.

Comes now H. H. Garnes, Esq., Attorney for Appellant herein, in open court and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed and that it fix the amount of the cost bond on appeal.
It is Ordered by the Court that the appeal be allowed and

It is further ordered that the amount of the cost bond be fixed in the sum of one thousand ($1,000.) dollars.

No. 833. Charles MacRitchie, et al., Appellants,
vs.
Helena Stevens, et al., Appellees

Comes now Jos. H. Kibbey, Esq., Attorney for Appellants herein, in open court, and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States, and shows the Court that the appeal be allowed and that it fix the amount of the cost bond on appeal.

It is ordered by the Court that the appeal be allowed, and it is further ordered that the amount of the cost bond be fixed in the sum of one thousand ($1,000.) dollars.

On motion of Jos. H. Kibbey, Esq., It is ordered that Lysander Cassidy, Esq., who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, whereupon Mr. Cassidy presented himself and took the oath in open court.

Comes now Thos. Hungerford, Jr., Esq., and moves that W. S. Bartlett be admitted to practice in this court, whereupon the Court appointed the following committee to conduct examination: Messrs A. C. Baker, Jno. J. Hawkins and Ben Goodrich.

No. 855. Martin Baggelin,
Petitioner,
vs.
E. N. Doe, as District Attorney of the County of Cochise, Territory of Arizona,
Respondent.

On motion of T. J. Norton, Esq., for Petitioner It is

Mch. 26-04 ordered that the Petition for Writ of Mandamus be heard at this time. The Petitioner appearing by F.J. Norton Esq., his attorney and Respondent appearing in person, and thereupon this cause coming on to be heard, is argued by counsel and submitted to the Court for its further consideration.

J.E. McCoy,
Appellant,
No. 854. vs.
J.J. Brooks,
Appellee.

Comes now Reese M. Ling, Esq., attorney for Appellant herein, and moves the Court that this cause be submitted at this time.

It is ordered by the Court that the motion to submit cause be and the same is hereby denied.

John M. Hand,
Appellant,
No. 746. vs.
Morris H. Sherman and David Hardenberg,
Appellees.

Comes now the appellant by Joseph H. Kibbey, Esq., his attorney, and it appearing from the mandate of the United States Supreme Court duly made upon an appeal of this cause to that Court, a duly authenticated copy whereof was filed in the office of the Clerk of this Court on the 19th day of February 1904, and there remains of record and is in the words following:

United States of America, SS.
The President of the United States of America,
To the Honorable the Judges of the Supreme
Court of the Territory of Arizona.
Greeting:

Whereas, lately in the Supreme Court of the Territory of Arizona, before you or some of you, in a cause between John M. Hand, appellant, and Morris H. Sherman and David Hardenberg, appellees, No. 746, wherein the judgment of

"the said Supreme Court, entered in said cause on the 21st day
"of March, A.D., 1901, is in the following words, viz:

"'This cause having heretofore submitted and by the
court taken under consideration and the court having con-
sidered the same and being fully advised in the premises:
it is ordered that the judgment of the district court
be and the same is hereby affirmed.

It is further ordered that the appellee Moses H. Sherman, do have and recover of and from J. M.
Ward, the appellant here; and The United States Fidelity
and Guaranty Company, a corporation, surety on super-
sedeas Bond herein, the sum of $17,173.50, with interest
thereon from the 2nd day of December, 1899 -- date of
judgment in the district court -- at the rate of 7 per
cent. per annum, together with his costs in this court,
taxed at ---- dollars, and his costs in the lower
court in this cause incurred, taxed at the sum of thirty-
six and 65/100 ($36.65) dollars."

"as by the inspection of the transcript of the record of the
"said Supreme Court, which was brought into the Supreme Court
"of the United States by virtue of an appeal agreeably to the
"act of Congress, in such case made and provided, fully and at
"large appears.

"And Whereas, in the present term of October, in the
"year of our Lord one thousand nine hundred and three, the said
"cause came on to be heard before the said Supreme Court, on the
"said transcript of record, and was argued by counsel:

"On Consideration Whereof, It is now here ordered, ad-
"judged, and decreed by this Court that the decree of the said
"Supreme Court in this cause be, and the same is hereby, reversed
"with costs; and that the said appellant, John M. Ward, recover
"against the said appellees two hundred and twenty-six dollars
"and seventy-five cents for his costs herein expended and have
"execution therefor.

"And it is further ordered that this cause be, and the
"same is hereby, remanded to the said Supreme Court with direc-
"tions to reverse the judgment of the District Court and remand
"the case to that court for further proceedings to be had therein
"in the usual course of law.

"January 11, 1904."

"Now the mandate is hereby commanded that such execution and

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"further proceedings be had in said cause, in conformity with
"the opinion and decree of this Court, as according to right
"and justice, and the laws of the United States, ought to be had,
"the said appeal notwithstanding.

"Witness the Honorable Melville W. Fuller, Chief Justice
"of the United States, the 12th day of February, in the year of
"our Lord one thousand nine hundred and four.

"Costs of Appellant
"Clerk $92.75
"Printing Record $114.00
"Attorney $20.00
$226.75

James H. McKenney,
Clerk of the Supreme Court of
"the United States. "

that the judgment of this court in said cause was by said United States Supreme Court reversed, and this court was directed to reverse the judgment and decree of the District Court of the Third Judicial District of the Territory of Arizona in and for the County of Maricopa heretofore rendered in this cause, and to remand this cause to said District Court for further proceedings in said cause in conformity to the views expressed by the said United States Supreme Court in the opinion of that Court.

Now, therefore, on motion of the said Joseph H. Kibbey, Esq., attorney for the appellant, John M. Ward,
It is Ordered, Adjudged and Decreed, by this Court that the judgment and decree of the District Court in and for the Third Judicial District of the Territory of Arizona in and for the County of Maricopa, in this cause, be and the same is hereby in all things reversed, and this cause is now remanded to said district court, and it is directed to set aside its judgment and decree in this cause and to further proceed in said cause in all things in conformity to the views of the United States Supreme Court expressed in its opinion in said cause.

And it is further ordered and adjudged that the said John M. Ward, appellant, do have and recover of the said Mread H. Sherman, appellee, the costs and charges by him, the said appellant, in that behalf respectively to this court incurred

and expended, Fored al four hundred thirty-eight and 95/100 ($438.95) dollars, Ring in the aggregate six hundred sixty-five and 70/100 ($665.70) dollars.

Martin Burgelin
Petitioner

No. 855 -vs-

E. M. Doe, as District Attorney of the County of Coconino, Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the cause and being fully advised in the premises: It is ordered that the demurrer to the Petition for writ of mandamus be and the same is hereby sustained, with leave to the Petitioner to amend the petition or to bring such further proceedings as he may be advised.

On motion of Thos. Armstrong, Jr., Esq., It is ordered that J. C. Phillips, Esq., who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, whereupon Mr Phillips presented himself and took the oath in open court.

To the Honorable, the Supreme Court of Arizona.

The undersigned committee appointed to examine W. S. Bartlett as to his qualifications to practice law before this Court beg leave to report that we have done so and find him in our judgment qualified.

Phoenix, Ariz., March 26, 1904.

A. C. Baker
Geo. F. Kitchen
Committee.

Mch. 26-'04. The committee appointed to examine W. S. Bartlett as to his qualifications to practice law in this court, reporting favorably: It is ordered that he be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, whereupon Mr Bartlett, in open court, took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

No. 828. ✓

Martin Costello,
Appellant,
vs.
Enid Marks, et al.,
Appellees.

On motion of Jos. H. Kibbey Esq, attorney for appellant herein, It is ordered that Remittitur issue forthwith.

No. 7421

Salt River Valley Canal Company,
Appellant,
vs.
Henry E. Slosser,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered, adjudged and decreed that the judgment of the lower court herein be, and the same is hereby, affirmed: And it is further ordered, adjudged and decreed that appellee Henry E. Slosser, do have and recover of and from the Salt River Valley Canal Company, appellant, and Thomas H. Pemberton and William Christy, its sureties on its appeal bond herein, appellee's costs in this court, taxed at fifty and 75/100 ($50.75) dollars, and appellee's costs in the lower court, taxed at five hundred one and 45/100 ($501.45) dollars, and that execution of the lower court issue therefor.

No. 737. Henry E. Slosser vs. Salt River Valley Canal Company.
Judgment & Decree entered on Page 217.

No. 787. ✓

The County of Cochise, and M. D. Scribner,
Treasurer and Ex-Officio Tax Collector,
Appellants,
-vs-
The Copper Queen Consolidated
Mining Company,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby reversed, and the cause remanded for a new trial.

It is further ordered adjudged, and decreed that the Appellants herein, do have and recover of and from the Copper Queen Consolidated Mining Company, Appellee herein, their costs in this court taxed at,

No. 738. ✓

Martin Gould,
Plaintiff & Appellant,
-vs-
The Maricopa Canal Company,
a corporation,
Defendant & Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises:

It is ordered, adjudged and decreed that the judgment of the lower Court herein be and the same is hereby reversed, set aside and annulled.

And it is further ordered, adjudged and decreed that Martin Gould, appellant herein, is an appropriator of water from the Salt River through the Maricopa Canal for the premises described in the complaint herein, to-wit: The south half (S. 1/2) of the northwest quarter (N.W. 1/4) and the south half (S. 1/2) of the northeast quarter (N.E. 1/4) of Section fourteen (14) Township one (1) North, Range three (3), East of the Gila & Salt River Base and Meridian; and appellant is entitled to

Mch 26-'04 have decreed to appellee company an amount of water necessary for the purpose of irrigation of said premises, not exceeding seventy (70) miners inches, measured under a four (4) inch head, without being required to purchase or rent the right to use such water: Provided, that said appellant, his heirs and assigns, shall pay all proper, reasonable carrying charges for service of such water and subject himself, or themselves, to, and observe, all reasonable rules and regulations of said appellee company, imposed, or prescribed by it for the distribution and use of water from said Canal for like purpose; and that said Canal Company be, and it is hereby, restrained from discontinuing such service under such conditions so long as it may possess the ability so to do without injury to the rights of other appropriators having prior rights of appropriation.

And it is further ordered, adjudged and decreed that the Maricopa Canal Company, appellee herein, be and it is hereby perpetually enjoined from doing, committing or permitting any act that shall hinder, limit, impede or in any wise interfere with the said rights of Martin Gould, appellant.

And it is further ordered, adjudged and decreed that appellant do have and recover of and from appellee, The Maricopa Canal Company, appellant's costs in this court, taxed at One hundred sixty-three and 40/100 ($163.40) dollars, together with appellant's costs incurred and expended in this cause in the lower court, and that said costs in the lower court be taxed by the Clerk of said Court and execution issue therefor.

No 739.

James G. Morley,
Plaintiff & Appellant.
vs
Maricopa Canal Company,
Defendant & Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court now being considered the same, and being fully advised

in the premises,

It is ordered, adjudged and decreed that the judgment of the lower court herein be and the same is hereby reversed, set aside and annulled.

And it is further ordered, adjudged and decreed that James D. Madar, appellant herein, is an appropriator of water from the Salt River through the Maricopa Canal for the premises described in the complaint herein, to-wit:- The southwest quarter (S.W. 1/4) of Section five (5) in Township one (1) North, Range two (2) East of the Gila & Salt River Base and Meridian; and appellant is entitled to have delivered by appellee company an amount of water necessary for the purpose of irrigation of said premises, not exceeding seventy (70) miners inches, measured under a four inch head, without being required to purchase or rent the right to use such water; Provided, that said appellant, his heirs and assigns, shall pay all proper, reasonable carrying charges for service of such water and subject himself, or themselves, to, and observe, all reasonable rules and regulations of said appellee company imposed or prescribed by it for the distribution and use of water from said Canal for like purpose; and that said Canal Company be, and it is hereby, restrained from discontinuing such service under such conditions so long as it may possess the ability so to do without injury to the rights of other appropriators having prior rights of appropriation.

And it is further ordered, adjudged and decreed that the Maricopa Canal Company, appellee, herein be and it is hereby perpetually enjoined from doing, committing or permitting any act that shall hinder, limit, impede or in any way interfere with the said right of James D. Madar, appellant,

And it is further ordered, adjudged and decreed that appellant do have and recover of and from appellee, The Maricopa Canal Company, appellant's costs in this Court, taxed at One hundred six and 20/100 ($106.20) dollars, together with appellant's costs incurred and expended in this cause in the lower court, and that said costs in the lower court be taxed by the Clerk of said Court and execution issue therefor.

Feb. 26-'24 Thomas Brockman,
Plaintiff & Appellant,
No. 740 vs.
The Grand Canal Company,
Defendant & Appellee.

This cause having heretofore been submitted and by the Court taken under consideration; and the Court having considered the same, and being fully advised in the premises;

It is ordered, adjudged and decreed that the judgment of the lower court herein be and the same is hereby reversed, set aside and annulled.

And it is further ordered, adjudged and decreed that Thomas Brockman, appellant herein, is an appropriator of water from the Salt River through the Grand Canal for the premises described in the complaint herein, to-wit:- The northwest quarter (N.W. ¼) of Section thirty-two (32), Township two (2) North Range two (2) East of the Gila & Salt River Base and Meridian; and appellant is entitled to have delivered by appellee company an amount of water necessary for the purpose of irrigation of said premises, not exceeding seventy (70) miners inches, measured under a four (4) inch head, without being required to purchase or rent the right to use such water; and provided, further, that said appellant, his heirs and assigns, shall pay all proper, reasonable carrying charges for service of such water, and subject himself, or themselves, to, and observe, all reasonable rules and regulations of said appellee company, imposed or prescribed by it for distribution and use of water from said Canal for like purpose; and that said Canal Company be, and it is hereby, restrained from discontinuing such service under such condition so long as it may possess the ability so to do without injury to the rights of other appropriators having prior rights of appropriation.

And it is further ordered, adjudged and decreed that The Grand Canal Company, appellee herein, be and it is hereby perpetually enjoined from doing, committing or permitting any act that shall hinder, limit, impede or in any wise interfere with the said right of Thomas Brockman, appellant.

And it is further ordered, adjudged and decreed

that appellant do have and recover of and from appellee, The Grand Canal Company, appellant's costs in this court, taxed at One Hundred Fifty ~~-~~ and 20/100 ($150.20) dollars, together with appellant's costs incurred and expended in this cause in the lower court, and that said costs in the lower court be taxed by the Clerk of said Court and execution issue therefor.

The Salt River Valley Canal Company, a corporation,
Appellant,
vs
No. 847. ✓
Horace G. Van Fossen,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises;

It is ordered that the judgment of the court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein, Horace G. VanFossen, do have and recover of and from the Salt River Valley Canal Company, Appellant herein, and Wm. O. Cleary and W. H. Robinson, sureties on Appeal Bond, his costs in this court taxed at twenty-eight and 25/100 ($28.25) dollars, together with his costs incurred in this cause in the lower court, taxed at eighty-two and 20/100 ($82.20) dollars, and that judgment be docketed in the lower court in accordance therewith.

It is ordered that this court stand adjourned until Friday, May 6th, 1904 at 10 o'clock A.M.

Chief Justice

May 6- '04 Supreme Court, } January Term, A.D. 1904.
Territory of Arizona. } Phoenix, Arizona. Friday, May 6th 1904.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
" S. M. Cullom, Clerk
" M. E. Calderwood, Crier.
" G. S. Lopez, Bailiff.

The following business was transacted.

On motion of J. B. Woodward, Esq., it was ordered that Bissell Thomas, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, whereupon Mr Thomas presented himself and took the oath in open court.

Gila Bend Reservoir and Irrigation Company, a corporation,
Appellant,
No. 827. vs.
Peoria Canal Company, et al.,
Appellees.

At this day on motion of J. B. Woodward, Esq., it is ordered by the Court that the appearance of Bissell Thomas be entered herein as associate counsel for Appellant.

C. E. Howard,
Appellant,
No. 802. vs.
E. B. Cerini,
Appellee.

At this day it is ordered that the Motion for Rehearing, filed herein by Appellant, be and the same is hereby submitted.

No. 840 ✓

Charles M. Taylor,
Appellant,
vs.
Thomas Bruce et al,
Appellees

At this day it is ordered that Appellants Exception to Bill of Costs filed herein by Appellees, be and the same is hereby submitted.

No. 846. ✓

Jake Marks and B. M. Crawford,
Appellants,
vs.
The Gradehaw Mountain Railroad Company, a corporation,
Appellee.

In this cause it is ordered that the Motion for Re-hearing filed herein by Appellants, be and the same is hereby submitted.

No. 175 ✓

Ernest Hall,
Appellant,
vs.
Territory of Arizona,
Respondent.

At this day, it is ordered that the Motion for Rehearing filed herein by Appellants, be and the same is hereby submitted.

No. 740 ✓

Tom Brockman,
Appellant,
vs.
The Grand Canal Company, a corporation,
Appellee.

At this day, it is ordered that the Motion for Re-hearing filed herein by Appellant, be and the same is hereby submitted.

May 6th 04.
No. 827 ✓

Lilac Canal Reservoir and Irrigation Company, a corporation,
Appellant,
vs.
Peoria Canal Company, a corporation, et al.,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellant, be and the same is hereby submitted.

No. 824 ✓

The Valley Bank,
Plaintiff,
vs.
Alexander O. Brodie, et al
Defendants.

In this cause it is ordered that the Motions for a re-hearing and for a New Trial, filed herein by Plaintiff, be and the same are hereby submitted.

No. 833 ✓

Charles MacRitchie, et al.,
Appellants,
vs.
Helena Stevens, et al.,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellants, be and the same is hereby submitted.

No. 845 ✓

United States of America,
Appellant,
vs.
Wm. N. Meade, et al.,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellant, be and the same is hereby submitted.

Teodoro Elias,
Appellant,
No. 174. ✓ vs.
Territory of Arizona,
Respondent.

In this cause, it is ordered that the motion for re-hearing filed herein by Appellant, be and the cause is hereby submitted.

It is ordered that this Court stand adjourned until to-morrow, May 7th, 1904, at 10 o'clock A. M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1904.
Territory of Arizona. } Phoenix, Arizona. Saturday May 7th 1904.

Court opened at 10. o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. David, " "
Shelby M. Cullom, Clerk
M. H. Calderwood, Crier
G. S. Lopez. Bailiff.

The following business was transacted.

Pedro Chanoulcau, et al,
Appellants,
No. 851. ✓ vs.
Shields & Price,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that Appellees

May 7th 04 Ordered, that cost and recovery and from Pedro Chanoureau and Angelina Chanoureau, Appellants herein, and E. M. Jacobs and F. Ronstadt, sureties on appeal bond herein, their costs in this court taxed at seventeen and 80/100 ($17.80) dollars, and their costs in the court below in this cause incurred, taxed at One Hundred twenty one and 35/100 ($121.35) dollars.

No. 802 } C. E. Howard, Appellant
vs.
E. E. Perrin, Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 840 } Charles M. Taylor, Appellant,
vs.
Thomas Burns, et al., Appellees.

In this cause, it is ordered that Appellant's Exceptions to Bill of Costs filed herein by Appellees and heretofore submitted be and the same is hereby overruled.

No. 846 } Jake Markel, et al., Appellants,
vs.
The Gladehaus Mountain Railroad Company, a corporation, Appellee.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

No. 175 ✓

Ernest Hall,
Appellant,
vs.
Territory of Arizona,
Respondent.

In this cause, it is ordered that the Motion for Re-hearing, filed herein by appellant, and heretofore submitted, be and the same is hereby denied.

No. 740 ✓

Tom Brockman,
Appellant,
vs.
The Grand Canal Company,
a corporation,
Appellee.

In this cause, it is ordered that the Motion for Re-hearing, filed herein by appellant, and heretofore submitted, be and the same is hereby denied.

No. 827. ✓

Gila Bend Reservoir and Irrigation Company, a corporation,
Appellant,
vs.
Peoria Canal Company, a corporation, et al.,
Appellees.

In this cause it is ordered that the Motion for Re-hearing, filed herein by appellant, and heretofore submitted, be and the same is hereby denied.

No. 824. ✓

The Valley Bank,
Plaintiff,
vs.
Alexander O. Grodie, et al.,
Defendants.

In this cause, it is ordered that the Motions for ~~Re-hearing~~ and for a New Trial, filed herein by appellant, and heretofore submitted, be and the same are hereby denied.

May 7. '04

No. 833

Charles MacRitchie, et al.,
Appellants,
vs.
Helena Stevens, et al.,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

No. 845

United States of America,
Appellant;
vs.
William K. Meade, et al.,
Appellees.

In this cause, it is ordered that the Motion for Re-hearing, filed herein by Appellant, and heretofore submitted, be and the same is hereby granted.

No. 174

Teodoro Elias,
Appellant,
vs.
Territory of Arizona,
Respondent.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby denied.

No. 175

Ernest Hall,
Appellant,
vs.
Territory of Arizona,
Respondent.

In this cause, Attorney for Appellant in open court, gave notice of Appeal from the order of this Court, dismissing his appeal and from the order denying his motion for a re-hearing.

No. 802. ✓

C. E. Howard,
Appellant,
vs.
E. D. Perrin,
Appellee.

Comes now E. E. Ellinwood, Esq., Attorney for appellant herein, in open court, and gives notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered by the Court that said motion be granted and the appeal be and the same is hereby allowed.

No. 827. ✓

Great Bend Reservoir and Irrigation Company, a corporation,
Appellant,
vs.
Peoria Canal Company, a corporation, et al.,
Appellees.

Comes now Bissell Thomas, Esq., attorney for Appellant herein, in open court, and gives notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered by the Court that said motion be granted and the appeal be and the same is hereby allowed.

No. 833. ✓

Charles MacRitchie, et al.,
Appellants,
vs.
Helena Stevens, et al.,
Appellees.

Comes now Joseph H. Kibbey, Esq., attorney for appellants herein, in open court, and gives notice of appeal from the judgment of this Court to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered by the Court that said motion be granted, and the appeal be and the same is hereby allowed.

May 7- '04 On motion of Alfred Franklin, Esq., It is ordered that Kenneth N. Scott, who holds a certificate from the Supreme Court of the Territory of New Mexico, be admitted to practice in this court, upon signing the Roll of Attorneys, and taking the usual oath, whereupon, Mr. Scott presented himself in open court, and took the oath.

On motion of Jas. J. Hawkins, Esq., It is ordered that John Mason Ross, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon signing the Roll of Attorneys, and taking the usual oath, whereupon, Mr. Ross presented himself and took the oath in open court.

On motion of A.C. Baker, Esq., It is ordered that D.J. Frankenberg, who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, whereupon, Mr. Frankenberg presented himself, and took the oath in open court.

No. 796 — Joseph Curtis, et al, Appellants vs. Dogwillar Land and Cattle Company, a corporation, Appellee.

Comes now Ben Goodrich Esq. attorney for Appellants herein, and moves the Court that it fix the amount of the Cost Bond in Appeal; It is ordered by the Court that this matter be taken up in Chambers.

No. 181. In the matter of the Application of Francisco Mapula for Writ of Habeas Corpus.

The Petition of Francisco Mapula for a Writ of Habeas Corpus; coming on for hearing on motion of C.L. Rawlins Esq., It is ordered that Webster Street Esq., represent the Attorney General in this matter.

This cause was argued by E.J. Edwards, Esq., for Petitioner and by C.L. Rawlins, Esq, and Webster Street, Esq., for Respondent and cause ordered submitted.

No. 838. Copper King of Arizona, a corporation, Appellant, vs. Peter Johnson, et al., Appellees.

Comes now H.C. Miller, Esq., attorney for appellees herein, and argues appellees motion to vacate order allowing appeal and to quash Citation, and said motion ordered submitted.

No. 859. Martin Braggden, Petitioner, vs. E.M. Doe, as District Attorney of the County of Coconino, Territory of Arizona, Respondent.

This cause coming on to be heard, and U.F. Clotfelter appearing for Petitioner and Edward M. Doe, Respondent, appearing in person; The Application for Writ of Mandamus was argued by U.F. Clotfelter for Petitioner and by the Court ordered submitted.

On motion of U.F. Clotfelter, it is ordered that Petitioner be granted 30 days in which to file Brief or Demurrer and that Respondent be granted 30 days thereafter in which to file reply Brief.

It is further ordered that Petitioner be granted 20 days in which to answer Respondent's Brief, and that their Briefs and answers be filed as of this date.

May 7-'04. Court took a recess until 3 o'clock P.M.

Court reconvened at 3 o'clock, with all the Judges present, and the following business was transacted.

No. 181. In the Matter of the Application of Francisco Mapula for Writ of Habeas Corpus.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the writ herein prayed for, be and the same is hereby denied.

No. 838. Copper King of Arizona, a corporation, Appellant vs. Peter Johnson, et al., Appellees.

In this cause, it is ordered that Appellees' Motion to vacate the order heretofore made allowing an appeal herein on behalf of the Appellant, and to quash the Citation heretofore issued, heretofore submitted, be and the same is hereby granted.

On motion of Ben Goodrich Esq., it is ordered that he be granted permission to file Bill of Exceptions.

It is ordered that this Court stand adjourned until Saturday, October 29th, 1904, at 10 o'clock A. M.

Edward Chief Justice.

Mch-26-04

No. 737

Henry E. Slosser,
Appellant
vs.
Salt River Valley Canal Company, a corporation,
Appellee.

} Judgment & Decree.

This cause having been heretofore submitted and by the Court taken under advisement, and the Court having rendered its opinion herein on the first day of June 1901, and no judgment having been entered herein, and the Court having modified the opinion rendered herein as expressed in its opinion rendered in the case of Martin Gould vs. The Maricopa Canal Company, No. 738, March 26, 1904, the Court now enters judgment herein in accordance with its views expressed in said opinion in the Gould case:

It is, therefore, Ordered, Adjudged and Decreed that the judgment of the lower court in this case be and the same is hereby reversed, set aside and annulled;

And it is further ordered, adjudged and decreed that the appellant herein is an appropriator of water from the Salt River through the Salt River Valley Canal for the premises described in the complaint, to-wit:-

The Southeast quarter (S.E. 1/4) of Section Twenty (20), Township one (1), North, Range Two (2), East of the Gila & Salt River Base and Meridian, and appellant is entitled to have delivered by appellee company an amount of water necessary for the proper irrigation of said premises, not exceeding seventy (70) miners inches, measured under a four (4) inch head, without being required to purchase or rent the right to use such water: Provided, that said appellant, his heirs and assigns shall pay all proper reasonable carrying charges for the service of such water, and subject himself, or themselves, to, and observe all reasonable rules and regulations of said appellee company imposed or prescribed by it, for distribution and use of water through said Canal for like purposes; and that said Salt River Canal Company, appellee herein, be and it is hereby restrained from discontinuing such service under such conditions as long as it may have the ability so to do without

injury to the rights of other appropriators having prior rights of appropriation.

And it is further ordered, adjudged and decreed that Salt River Valley Canal Company, appellee herein, be and it is hereby perpetually enjoined from doing, committing or permitting any act that shall hinder, limit, impede or in any wise interfere with the said right of Henry E. Slosser, appellant.

And it is further ordered, adjudged and decreed that appellant do have and recover of and from appellee, Salt River Valley Canal Company, appellant's costs in this court, taxed at One hundred sixty-four ($164.00) dollars, together with appellant's costs incurred and expended in this cause in the lower court, and that said costs in the lower court be taxed by the Clerk of said Court and execution issue therefor.

March 26-1904.

Supreme Court, } January Term, A. D. 1904
Territory of Arizona. } Phoenix, Arizona, Saturday, October 29th 1904.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis " "

S. M. Cullom, Clerk.
M. H. Calderwood, Crier
G. S. Lopez, Bailiff.

The following business was transacted.

No. 847. ✓

Salt River Valley Canal Company,
Appellant,
vs.
Horace G. Van Fossen,
Appellee.

It is ordered that the Motion to Vacate Order Allowing Appeal, filed herein by Appellee, be and the same is hereby submitted.

No. 851 ✓

Pedro Chanoleau, et al.,
Appellants,
vs.
Shields V. Price,
Appellees.

It is ordered that the Motion for Re-hearing, filed herein by Appellants, be and the same is hereby submitted.

No. 875. ✓

William J. Mallory,
Appellant,
vs.
Nellie Mallory,
Appellee.

It is ordered that the Motion to Affirm the judgment of the lower court, filed herein by Appellee, be and the same is hereby submitted.

Oct 29. 1904. W. S. Boyd, Appellant,
No. 878. vs.
Monte Cristo Mining Company, Appellee.

It is ordered that the Motion to Dismiss Appeal, filed herein by Appellant, be and the same is hereby submitted.

Robert Pringle, Appellant,
No. 841. vs.
Frank M. King, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from Robert Pringle, Appellant herein, and J. H. Carter and H. C. Hitchcock, sureties on the appeal bond filed herein, the sum of Twenty-five Hundred ($2500.) dollars, with legal interest thereon from the 5th day of June, 1903, together with his costs in the lower court amounting to the sum of One Hundred Three and 70/100 ($103.70) dollars, and his costs in this court, taxed in the sum of thirty-five and 40/100 ($35.40) dollars

Martin Duggan, Plaintiff,
No. 859. vs.
E. M. Doe, as District Attorney of the County of Cochise, Territory of Arizona, Defendant.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that Plaintiff's demurrer to Defendant's

plea in abatement be and the same is hereby sustained.

It is further ordered that Defendant's demurrer to the petition be and the same is hereby sustained (Kent, C.J. dissenting) with leave to Plaintiff to amend within twenty days.

No. 875 ✓

William J. Mallory,
Appellant,
vs.
Nellie Mallory,
Appellee.

The Motion to Affirm the Judgment of the lower court, on Short Transcript, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be granted and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from William J. Mallory, Appellant herein, and Geo. W. P. Hunt and Alfred Kinney, sureties on appeal bond herein, her costs in this behalf taxed at eight and 50/100 ($8.50) dollars, and her costs in the court below in this cause incurred.

No. 878. ✓

W. S. Boyd,
Appellant,
vs.
Monte Cristo Mining Company,
Appellee.

The Motion to Dismiss the Appeal, filed herein by Appellant, having been heretofore submitted and by

Oct. 29-'14 The Court taken under consideration and the Court having considered the same and being fully advised in the premises, it is ordered that said motion be granted, and the appeal be and the same is hereby dismissed.

No. 809. Arthur J. Edwards, Administrator of the Estate of Edward C. Hayden, Deceased, Appellant, vs. Charles F. Simms, et al., Appellees.

In this cause, it is ordered that the Motion to set aside order granting appeal to the United States Supreme Court, filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

No. 847. Salt River Valley Canal Company, Appellant vs. Horace G. Van Fossen, Appellee.

In this cause it is ordered that the Appellant herein be granted three days in which to file Affidavit as to Value of property in controversy.

No. 851. ✓

Pedro Charbonneau, et al.,
Appellant,
vs.
Shields & Price,
Appellees

It is ordered that the Motion for re-hearing filed herein by Appellants and heretofore submitted be and the same is hereby denied.

No. 853. ✓

National Metal Company,
Appellant,
vs.
Green Consolidated Copper Company, et al.,
Appellees.

In this cause, in the absence of counsel, It is ordered that the Motion for hearing, filed herein by Appellant and heretofore submitted, be and the same is hereby passed.

✓ On motion of J. M. Jamison, Esq., It is ordered that Walter M. Locke, who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath, whereupon Mr. Locke took the oath in open court.

No. 840. ✓

Charles M. Taylor,
Appellant,
vs.
Thomas Sweet, John A. Duncan and S. R. Kaufman,
Appellees.

Comes now Webster Street, Esq. for W. H. Barnes, Esq., attorney for Appellant herein, in open court, and gives notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and, moves the Court that the appeal be allowed.

It is ordered by the Court that said motion be granted.

Oct. 29-'04. and the appeal be and the same is hereby allowed.

It is further ordered that the amount of the cost bond be fixed at the sum of One Thousand ($1,000.) dollars.

It is ordered that this court stand adjourned sine die.

Edward Kent Chief Justice.

In the Supreme Court of the Territory of Arizona. } In Vacation.

Phoenix & Eastern Railroad Company, a corporation, Appellant,

vs.

Arizona Eastern Railroad Company, a corporation, Appellee.

Arizona Eastern Railroad Company, a corporation, Appellee

vs.

Phoenix & Eastern Railroad Company, a corporation, Appellants.

This matter coming on for hearing upon the application of the Appellant, The Phoenix & Eastern Railroad Company, Petitioner, that the court fix the amount of the supersedeas bond to be filed herein, and enter an order arresting and suspending the judgment of the District Court of Pinal County and stay the operation and execution thereof until the merits of said suit can be determined on petitioners' appeal; and it appearing that the petitioner is not entitled to the relief demanded

by it in the form demanded upon this application before me as a Justice of said court.

And it further appearing to my satisfaction that in this cause an application for a stay of execution of the judgment herein, and the approval of a supersedeas bond is to be presented by the appellants to the Supreme Court at its next session in January, 1905, the said court now being in vacation.

And it appearing that good cause exists for the preservation in statu quo of the present rights of the parties hereto, whatever they may be, until such time as such application can be heard and determined by said court.

It is Ordered that until the hearing of said application and until the further order of this court each of the parties hereto refrain and desist from any use, occupation or enjoyment of the property in question and dispute in this cause, or from the exercise of any rights or ownership thereof, except that the appellants may exercise such care and supervision as may be necessary for the proper protection of the property from loss or damage.

No further service of this order shall be necessary.

(Sgd) Edward Kent
Chief Justice.

In Chambers.
Saturday, November 26-1904.

Jan. 2-1905. Territory of Arizona, In the Supreme Court

No. 200 Ex parte John F. Harcourt, Petitioner for Habeas Corpus } At Chambers before His Honor Edward Kent, Chief Justice.

This being the day to which the hearing of the application of John F. Harcourt for a writ of habeas corpus was continued come Nabor Pochuca, the sheriff of Pima County, Arizona, the successor in office of Frank Murphy, the respondent herein, and brings with him the body of the applicant, John F. Harcourt and now presents to the Chief Justice his return in writing to the writ issued herein. Comes also, John B. Wright, Esq., counsel for the petitioner and comes also Joseph H. Kibbey, Attorney General of the Territory. Having inspected the return of the sheriff herein the Chief Justice adjudges the commitment made a part thereof void.

Thereupon the matter was submitted to the Chief Justice upon the evidence which was attached to and made a part of the petition herein, with the consent of the petitioner.

Having heard the evidence and the proofs, the argument of counsel, and being sufficiently advised in the premises, it appearing to the Chief Justice that the crime of obtaining twelve thousand and five hundred dollars from one Albert Steinfeld with the unlawful and felonious intent to cheat and defraud the said Albert Steinfeld by means and by use of false and fraudulent representations was committed at Pima County, Arizona, on or about the 27th day of February, 1904; and that there is sufficient cause to believe said John F. Harcourt guilty thereof.

It is ordered that he be held to answer the same, and that he be admitted to bail in the sum of three thousand dollars, and that he, the said John F. Harcourt, be committed to the Sheriff of the County of Pima until he give such bail.

Done at Phoenix, Arizona, this 2nd day of January, 1905.

(Signed) Edward Kent.
Chief Justice of the
Supreme Court of Arizona.

Regular January Term

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Monday January 9th 1905

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan,
" Geo. R. Davis,
Shelby M. Cullom, Clerk.
Frederick S. Hare, U.S. Attorney.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted -

No. 841. ✓

Robert Pringle,
Appellant,
vs.
Frank M. King,
Appellee.

On motion of Mr. E.J. Edwards, attorney for appellant herein, It is ordered that he be granted leave to file Amended Motion for Re-hearing.

No. 870. ✓

George H. Schuerman, Fred Stefiheni, and D.S. Sinclair, as the Supervisors of Yavapai County,
Appellants,
vs.
The Territory of Arizona, upon relation of E.S. Clark as District Attorney of Yavapai County, in said Territory,
Appellee.

On motion of Mr. F.E. Norris, for Appellants, It is ordered that he be granted leave to add additional citation in Appellants' Brief.

On motion of Mr. Jos. H. Kibbey for Mr. E.E. Ellinwood Attorney for Appellants herein, It is ordered that the name of Alexander & Norris be substituted for that of E.E. Ellinwood.

No. 22. Terry Smith, Appellant, vs. Terry Murray, Respondent.

On motion of Mr. W. Baker, attorney for Appellant herein, It is ordered that he be granted time to file additional Brief.

No. 165. Lewis Scott, Appellant, vs. United States Marshal, Respondent.

On motion, It is ordered that the motion to vacate order allowing appeal, filed herein by attorney for Respondent, be submitted.

No. 194. Jack Gordon, Appellant, vs. Territory of Nevada, Respondent.

On motion of Mr E.J. Edwards, attorney for Appellant herein, It is ordered that he be granted leave to add additional citation in his Brief.

On motion of Mr E.J. Edwards, It is ordered that the name of Mr. Geo. J. Sturman be added as attorney for Appellant herein.

No. 202. In the matter of the Application of The Nevada Building Hospital and Loan Association for a writ of Certiorari.

On motion of Mr. H.C. Stevenson, Esq. for Respondent herein, It is ordered that the Appeal in the above entitled cause be dismissed, and the Remittitur issued forthwith.

Petitioners' Counsel is ordered that the Returns be sufficient for all the cases numbered from 202 to 218, inclusive.

Phoenix & Eastern Railroad Company, a corporation,
Plaintiff,
vs.
No. 881. ✓
Arizona Eastern Railroad Company, a corporation,
Defendant.

On motion of Mr. P.J. Norton, for Plaintiff, It is ordered that the hearing of this cause be set, for Tuesday, January 10th. 1905.

Robert Pringle,
Appellant,
vs.
No. 841 ✓
Frank M. King,
Appellee.

Comes now Mr. E.J. Edwards, attorney for Appellant herein, and moves the court to grant oral argument on the Motion for Re-hearing, whereupon the Court ordered that said motion be considered later

William J. Mallory,
Appellant,
vs.
No. 875. ✓
Nellie Mallory,
Appellee.

Comes now Mr. J.S. Griffen, attorney for Appellant herein, and moves the Court to re-instate this cause, the Court ordered that said motion be submitted.

Robert Pringle,
Appellant,
vs.
No. 841. ✓
Frank M. King,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein

Jan. 9. '05 Pet. Appellant, Pr. and Stip. cause is hereby submitted.

No. 875. William J. Mallory, Appellant, vs. Nellie Mallory, Appellee.

It is ordered that the motion to reinstate cause, filed herein by Appellant, Pr. be submitted.

No. 893. Martin Bruggeln, Appellant, vs. Niles J. Cameron, et al., Appellees.

It is ordered that the motion to affirm the Judgment of the lower court, filed herein by Appellees, Pr. be submitted.

No. 882. John Caretto, et al., Appellants, vs. Louis Zuckendorf and Albert Steinfeld, co-partners under the firm name of L. Zuckendorf & Co., Appellees.

It is ordered that the motion to affirm the Judgment of the lower court, filed herein by Appellees, Pr. be submitted.

No. 891. F. J. O'Reilly, et al., Appellants, vs. The Consolidated Printing and Publishing Company, a Corporation, Appellee.

It is ordered that the motion to affirm the Judgment of the lower court, filed herein by Appellee, Pr. be submitted.

No. 864. ✓ Beauchamp H. Smith,
Plaintiff in Error,
vs.
William H. Stilwell,
Defendant in Error.

It is ordered that the motion to Dismiss the Writ of Error, filed herein by Defendant in Error, be submitted.

No. 865 ✓ Beauchamp H. Smith,
Plaintiff in Error,
vs.
William H. Stilwell,
Defendant in Error.

It is ordered that the Motion to Dismiss Writ of Error filed herein by Defendant in Error, be submitted. It is further ordered that the Motion to Dismiss Writ and Strike out Brief and Abstract, filed herein by Defendant in Error, be submitted.

No. 873. ✓ Adolf Bail,
Appellant,
vs.
Francis M. Hartman, as Trustee in Bankruptcy of the co-partnership firm of Bentrook & Donovan, Bankrupts,
Appellee.

✓ For this cause, it is ordered that the Motion to Strike from file Abstract and Reporter's Transcript, filed by Appellee, be submitted.

✓ It is further ordered that the Motion to Dismiss Appeal for informalities, filed herein by Appellee, be submitted.

✓ It is further ordered that the Motion to Dismiss Appeal for the reason that no Bill of Exceptions were filed, filed by Appellee herein, be submitted.

✓ It is further ordered that the Motion to Affirm the Judgment of the lower court, filed herein by Appellee, be submitted.

No. 870. George K. Dekruyman, et al., Appellants,
vs.
The Territory of Yavapai County, Appellee.

Appeal from the Territory of Arizona upon relation of E. S. Clark, District Attorney of Yavapai County, in said Territory, Appellee.

It is ordered that the Motion for certification of Herndon & Norris, as Attorneys for Appellants, filed herein by Appellants, be submitted.

No. 886. The Meyer-Clarke-Pure Mines Company, a corporation, Appellant,
vs.
Albert Steinfeld, Appellee.

In this cause, It is ordered that the Motion to Strike Abstract of Record from files, filed by Appellee, be submitted. It is further ordered that the Motion to Affirm the Judgment of the lower court, filed by Appellee, be submitted.

Error. See page 230.

Error from No. 889. John Caretto and Lorenzo Caretto, Appellants,
vs.
Louis Zeckendorf and Albert Steinfeld, co-partners under the firm name of L. Zeckendorf & Co., Appellees.

It is ordered that the Motion to Affirm the Judgment of the lower court, filed herein by Appellees, be submitted.

No. 880. James A. Thorpe, Appellant, vs. F. N. Clanton, et al., Appellees.

In this cause, It is ordered that the Motion to Dismiss Appeal, filed by Appellees, be submitted.

No. 827. Gila Bend Reservoir and Irrigation Company, a corporation, Appellant, vs. Peoria Canal Company, a corporation, et al., Appellees.

In this cause, It is ordered that the Motion for Remittitur, filed by Appellees, be submitted.

It is ordered that this Court stand adjourned until to-morrow morning, at 9:30 o clock.

Edwin Kent Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Tuesday January 10-1905.

Court opened at 9:30 o clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Carlon, Clerk
Frederick S. Nave, U.S. Attorney.
M.H. Calderwood Crier
Dean Woodward, Bailiff.

The following business was transacted.

No. 841. ✓ Robert Cringle, Appellant, vs. Frank M. King, Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 875. ✓ William J. Mallory, Appellant, vs. Nellie Mallory, Appellee.

It is ordered that the Motion to re-instate cause filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 165. ✓ Joseph Dent, Appellant, vs. United States of America, Respondent.

It is ordered that the Motion to Vacate order allowing appeal, filed herein by Attorney for Respondent, and heretofore submitted, be and the same is hereby Granted.

Martin Buggeln,
Appellant,
vs.
No. 893. ✓ Niles J. Cameron, et al.,
Appellees

The Motion to Affirm the Judgement of the lower court, on Short Transcript filed herein by Appellees, having been heretofore submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be granted and the judgement of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein, Niles J. Cameron, C.H. McClure, R.A. Ferguson, M.S. Love, F.E. Pollock, and the Arizona Central Bank, a corporation, do have and recover of and from the Appellant herein, Martin Buggeln, and T.A. Riordan and M.J. Riordan, sureties on Appeal Bond, their costs in this court taxed at twelve and 50/100 ($12.50) dollars, and their costs in the court below in this cause incurred, and that judgement be docketed in the lower court in accordance therewith.

E.J. O'Reilly, Ben. Frankenberg,
Sam Frankenberg, George Meenhold
and Robert Coughran,
Appellants,
No. 891. ✓ vs.
The Consolidated Printing and
Publishing Company, a corporation,
Appellee.

The Motion to Affirm the Judgement of the lower court, filed herein by Appellee, having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be granted and the judgement of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from the Appellants herein, E.J. O'Reilly, Ben. Frankenberg, Sam Frankenberg, George Meenhold and Robert Coughran, and

No. 889. ✓

John Caretto and Lorenzo Caretto,
Appellants,
vs.
Louis Geckendorf and Albert Steinfeld,
co-partners under the firm name
of L. Geckendorf & Co.,
Appellees.

The Motion to Affirm the judgment of the lower court, filed herein by Appellees, having been heretofore submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises! It is ordered that said motion be granted, and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from John Caretto and Lorenzo Caretto, Appellants herein, and E. Caretto and Joseph Mulheim, sureties on Appeal Bond, the sum of four hundred and five and 15/100 ($405.15) dollars, the amount of the judgment of the lower court, together with their costs in this court, taxed at thirteen and 75/100 ($13.75) dollars, and their costs in the court below in this cause incurred, and that judgment be docketed in the lower court in accordance therewith.

No. 880. ✓

James R. Thorpe,
Appellant,
vs.
F. N. Clanton, W. B. Long, H. E. Bell,
W. P. Clanton, E. H. Smith, P. F. Hanley,
Riley Johnson, H. N. Kinney and
J. V. Riley,
Appellees.

The Motion to Dismiss the Appeal herein, filed by Appellees, having been heretofore submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises! It is ordered that said motion be granted, and the Appeal be and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from

Jan. 10- '05. James R. Thorpe, Appellant herein, their costs in this court, taxed at twenty-four and 25/100 ($24.25) dollars, and their costs in the court below in this cause incurred, taxed at thirteen and 30/100 ($13.30) dollars.

Salt River Valley Canal Company, a corporation, Appellant,

No. 847. vs.

Horace G. Van Fossen, Appellee.

It is ordered that the Motion to Vacate Order Allowing Appeal, filed herein by Appellee, and heretofore submitted, be and the same is hereby granted

J. E. McCoy, Appellant,

No. 854. vs.

J. J. Brooks, Appellee.

The motion to dismiss the appeal and affirm the judgment of the lower court, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that said motion be and the same is hereby, denied.

Phoenix & Eastern Railroad Company, a corporation, Plaintiff,

No. 881. vs.

Arizona Eastern Railroad Company, a corporation, Defendant.

In this cause it is ordered that the hearing be set for January 11th. 1905.

Martin Ubillos, indicted as Francisco Garcia,
Appellant,
No. 182. ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted on Briefs.

Rito Ramirez,
Appellant,
No. 183. ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted on briefs

Charles H. Davis,
Appellant,
No. 184. ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted on briefs.

Bert Noyte,
Appellant,
No. 192. ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted on briefs.

Jerry Shuchy,
Appellant,
No. 219. ✓ vs.
Territory of Arizona,
Respondent.

✓ It is ordered that the hearing of this cause be set for January 13th, 1905.

✓ On motion of Mr. A.C. Baker, attorney for Appellant

Jan. 10. '05 Hearing. It is ordered that oral argument be granted in this cause.

No. 845. United States of America, Appellant, vs. William K. Meade, et al., Appellees.

It is ordered that the hearing of this cause be set for January 11th 1905.

No. 845. United States of America, Appellant, vs. William K. Meade, et al., Appellees.

Comes now Mr. Frederick S. Nave, attorney for Appellees herein, and moves the court for oral argument in this cause.

No. 845. United States of America, Appellant, vs. William K. Meade, et al., Appellees.

In this cause it is ordered that the Motion of Mr. Frederick S. Nave, attorney for Appellees, for oral argument in this cause, be and the same is hereby granted.

No. 853. National Metal Company, a corporation, Plaintiff in Error, vs. Crown Consolidated Copper Company, a corporation, et al., Defendants in Error.

It is ordered that the hearing of this cause be set for

January 14th, 1905.

On motion of Mr John J. Hawkins, attorney for Plaintiff in Error, herein, It is ordered that oral argument be granted in this cause.

No. 856 ✓

Mrs. F L. Butterfield and
Charles Dougherty,
Appellants,
vs.
The Rogalus Copper Company,
a corporation, et al.,
Appellees.

It is ordered that this cause be submitted on briefs.

No. 859. ✓

Martin Buggeln,
Petitioner,
vs.
E. M. Doe, as District Attorney
of the County of Coconino,
Territory of Arizona,
Respondent.

On motion of Mr F. J. Norton, attorney for Petitioner, herein, It is ordered that the Petition for Writ of Mandamus filed herein, be and the same is hereby dismissed.
It is further ordered, adjudged and decreed that the Respondent herein, do have and recover of and from Martin Buggeln, Petitioner herein, his costs in this cause taxed at twenty five and 50/100 ($25.50) dollars.

No. 864. ✓

Beauchamp H. Smith,
Plaintiff in Error,
vs.
William H. Stilwell,
Defendant in Error.

It is ordered that the hearing of this cause be set for January 23rd, 1905.

Jan-10-05

No. 865 ✓ Beauchamp H. Smith,
Plaintiff in Error,
-vs-
William H. Stilwell,
Defendant in Error.

It is ordered that the hearing of this cause be set for January 23rd, 1905.

No. 866 ✓ Beauchamp H. Smith,
Plaintiff in Error,
-vs-
The King of Arizona Mining and Milling Company, et al.,
Defendants in Error.

It is ordered that the hearing of this cause be set for January 23rd, 1905.

✓ On motion of Mr. Cox for Mr. E. S. Ives, attorney for Defendants in Error, It is ordered that oral argument be granted in this cause.

No. 871 ✓ O. K. Franklin, Administrator of Jerry Neville, deceased,
Appellant,
-vs-
M. M. Tuckey, Administrator of N. H. Chaffin, deceased,
Appellee.

It is ordered that the hearing of this cause be set for January 13th, 1905

No. 873 ✓ Adolf Bail,
Appellant,
-vs-
Francis M. Hartman, as Trustee in Bankruptcy of the co-partnership firm of Sentrock & Donovan, Bankrupts,
Appellee.

It is ordered that the setting of this cause be

passed for the present.

No. 876. ✓

The Anglo-California Bank, Limited,
Appellant,
vs.
George D. Nash,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 882. ✓

United States of America,
Appellant,
vs.
Albert J. Griswold, et al.,
Appellees.

It is ordered that the hearing of this cause be set for to-day, January 10th.

No. 886 ✓

The Meyer-Clarke-Rowe Mines Company, a corporation,
Appellant,
vs.
Albert Steinfeld,
Appellee.

It is ordered that the hearing of this cause be set for to-day, January 10th.

No. 888. ✓

Albert Steinfeld,
Appellant,
vs.
M. M. Montijo,
Appellee.

It is ordered that this cause be submitted on briefs.

Jan. 10-'05 Frank Miller,
Appellant,
No. 185 ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set for January 16th 1905.

On motion of Mr. E. J. Edwards, Attorney for Appellant herein, It is ordered that oral argument be granted in this cause.

E. Encinas, otherwise known as Chapo,
Appellant,
No. 186 ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set for January 16th 1905.

On motion of Mr Goodrich for Mr. Thos. E. Flannigan, attorney for Appellant herein, It is ordered that oral argument be granted in this cause.

Ramon Moreno,
Appellant,
No. 188 ✓ vs.
Territory of Arizona
Respondent.

It is ordered that the hearing of this cause be set for January 17th 1905.

On motion of Mr. Goodrich for Mr. Thos. E. Flannigan attorney for Appellant herein, It is ordered that oral argument be granted in this cause.

No. 187. ✓

Francisco Mapula and Diocricio Jurado,
Appellants,
vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set for January 17th. 1905.

On motion of Mr. E.J. Edwards, attorney for Appellants herein, It is ordered that oral argument be granted in this cause.

No. 189. ✓

E. Figueroa,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set for January 16th. 1905.

No. 190 ✓

Jesus Gomez,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the setting of this cause be passed for the present.

No. 191 ✓

Erik Thorquist,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted on brief.

E. Jan. 10-05 Alfred Cole, Appellant,
No. 195. vs. Territory of Arizona, Respondent.
It is ordered that this cause be submitted on briefs.

James M. Gould, Appellant,
No. 197. vs. Territory of Arizona, Respondent.
It is ordered that this cause be submitted on briefs

James Shorlin, Appellant,
No. 198. vs. Territory of Arizona, Respondent.
It is ordered that this cause be submitted on briefs.

United States of America Appellant,
No. 199. vs. Dan Peppins, Respondent.
It is ordered that this cause be submitted on briefs.

W. G. Armstrong, Appellant,
No. 201. vs. Territory of Arizona, Respondent.
It is ordered that the hearing of this cause be set for January 18th, 1905.
On motion of Mr E. J. Edwards, attorney for appellant herein, It is ordered that oral argument be granted

in this cause.

No. 867. ✓

Herman D. Keppler, et al.,
Appellants.
vs.
Paul Becker,
Appellee.

It is ordered that the hearing of this cause be set for January 24th, 1905.

On motion of Mr S. M. Franklin for Mr. William Herring, attorney for Appellee herein, It is ordered that oral argument be granted in this cause.

No. 869. ✓

John Koopus, Jr.,
Appellant,
vs.
Geo. D. Brier,
Appellee.

It is ordered that this cause be submitted on Briefs.

On motion of Mr. E. J. Edwards, attorney for Appellant herein, It is ordered that he be granted leave to add additional authority in his brief.

No. 879. ✓

Frances Cunningham,
Appellant,
vs.
Frank V. Moreno, et al.,
Appellees.

It is ordered that the hearing of this cause be set for January 18th, 1905.

On motion of Mr Goodrich for Mr H. L. Pickett, It is ordered that oral argument be granted in this cause.

Jan 10 '05

John Lacy,
Appellant,
No. 883. vs.
James V. Parks, et al.,
Appellees.

It is ordered that this cause be submitted on briefs.

Waldo Beam,
Appellant,
No. 884. vs.
James V. Parks, et al.,
Appellees.

It is ordered that this cause be submitted on briefs.

Louisa King and W. A. King,
Appellants,
No. 887. vs.
C. L. Cummings,
Appellee.

It is ordered that the setting of this cause be passed for the present.

It is further ordered that the Motion to Affirm the Judgment on Short Transcript filed herein by Appellee, be and the same is hereby submitted.

M. J. Brown,
Appellant,
No. 890. vs.
F. H. Brown and L. N. Brunswig,
co-partners doing business
under the firm name and
style of F. H. Brown & Co.,
Appellees.

It is ordered that this cause be submitted on briefs.

No. 895. ✓ Chas. Cunningham, et al.,
Appellants,
vs.
Jacob Birnng, et al.,
Appellees.

.... On motion of Mr. Ben. Goodrich, attorney for Appellants herein, It is ordered that he be granted 30 days in which to file Abstract of Record and Brief.

No. 896. ✓ Martin Costello,
Appellant,
vs.
T. F. Graham, et al.,
Appellees.

It is ordered that the setting of this cause be passed for the present.

No. 180. ✓ Territory of Arizona,
Appellant,
vs.
J. M. H. Moore,
Appellee.

It is ordered that the setting of this cause be passed for the present.

No. 193. ✓ William Jarvis,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted on Brief.

Jan. 10. '05. Fred Hicklin,
Appellant,
No. 220. vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set for January 19th, 1905.

On motion of Mr. J. H. Hawkins, attorney for Appellant herein, It is ordered that oral argument be granted in this cause.

J. E. McCoy,
Appellant,
No. 854. vs.
J. J. Brooks,
Appellee.

It is ordered that the hearing of this cause be set for January 20th, 1905.

George A. Treadwell, et al.,
Appellants,
No. 860. vs.
George O. Mairs,
Appellee.

It is ordered that the hearing of this cause be set for January 20th, 1905.

On motion by Mr. Robt. E. Morrison, attorney for Appellants herein, It is ordered that oral argument be granted in this cause.

Keystone Copper and Gold Mining Company, a corporation, Plaintiff,
C. F. Ainsworth and J. H. Beal, Intervenors in Behalf of Plaintiff, Appellants,
No. 868. vs.
John M. Evans and Jennie E. Evans, his wife,
Respondents.

It is ordered that this cause be submitted on

Briefs.

George H. Schuerman, et al., as the Supervisors of Yavapai Co.,
Appellants,
vs.
The Territory of Arizona, upon relation of E.S. Clark, as District Attorney of Yavapai County in said Territory,
Appellee.

No. 870 ✓

✓ It is ordered that the hearing of this cause be set for January 21st, 1905.

✓ On Motion of Mr. F.S. Norris, attorney for Appellants herein, It is ordered that oral argument be granted in this cause.

John T. Score,
Appellant,
vs.
N.L. Griffin,
Appellee.

No. 872. ✓

It is ordered that the hearing of this cause be set for January 21st, 1905.

✓ On Motion of Mr. Robt. E. Morrison, attorney for Appellant, herein, It is ordered that thirty minutes for oral argument be granted in this cause.

Wallapai Mining & Development Company, a corporation,
Appellant,
vs.
Territory of Arizona at the Relation and to the use of Peter S. Dennis, Treasurer and Ex-Officio Tax Collector of Mohave County,
Appellee.

No. 885. ✓

It is ordered that the setting of this cause be passed for the present.

Jan. 10- '05

No. 894. ✓

Aztec Land and Cattle Company,
Appellant.
vs.
The County of Navajo,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 892. ✓

Henry C. Ewing, et al.,
Appellants,
vs.
United States of America,
Appellee.

It is ordered that the setting of this cause be passed until to-morrow, January 11th.

No. 194. ✓

Jack Booth,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set for January 19th, 1905.

No. 886. ✓

The Meyer-Clarke-Rowe Mining Company, a corporation,
Appellant,
vs.
Albert Steinfeld,
Appellee.

It is ordered that this cause be submitted on briefs.

✓ On motion of Mr. H. M. Lovell, it is ordered that he be granted permission to file reply brief on or before January 25th, 1905.

United States of America
Appellant,
vs.
No. 882 ✓
Albert J. Griswold, et al.,
Appellees.

This cause coming on for hearing was argued by Mr. Frederick D. Nave for Appellant and Mr. A.C. Lockwood for Appellees, and cause ordered submitted.

The Court took a recess until two o'clock, this afternoon.

Court re-convened at two o'clock P.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice,
" Fletcher M. Doan, " "
" Geo. L. David, " "
and the Clerk
the following business was transacted.

Martin Costello,
Appellant,
vs.
No. 896 ✓
B. F. Graham, et al.,
Appellees.

On motion of Mr. Webster Stutt, attorney for Appellees herein, It is ordered that Appellant file his brief and Abstract of Record on or before the 16th of January, 1905.

On motion of Mr Webster Stutt, It is further ordered that Appellees herein have five days after the filing of Appellants brief in which to file their brief.

It is ordered by the Court that the Resolutions adopted by the Bar Association of Arizona upon the death of William H. Barnes, as entered of record and referred to in the journal of this Court, which are as follows:

Jan-10-'05 Resolved, That the Bar Association of Arizona deeply deplore the death of the late William H. Barnes, a former President of this Association and a former Justice of the Supreme Court, whereby Arizona has lost an always patriotic and respected citizen, alike eminent in his private and public career; the has one of its long time leaders, conspicuous as an example of the best relations of our profession with the administration of justice; a master fitted by character, temperament, learning, industry, activity and genius to the place he held in the uppermost ranks of a great profession. His name is rightly enrolled among those honored by the Bench and Bar and laymen of an active and progressive territory.

Resolved, That the Bar Association of Arizona present to the family of the departed lawyer and judge its sincere sympathy and condolence in their bereavement.

Resolved, That the committee present these resolutions to the Supreme Court of Arizona for such consideration as may be fit.

Resolved, That a copy of these resolutions be transmitted to the family of the deceased.

It is ordered that this Court stand adjourned until to-morrow morning January 11th, at 9:30 o'clock

Wm. H. Kent Chief Justice.

Supreme Court, } January Term, A.D. 1905
Territory of Arizona. } Phoenix, Arizona, Wednesday, January 11th 1905.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, "
" Geo. R. Davis, "
D. M. Cullen, Clerk.
Dean Woodward, Bailiff.
M. H. Calderwood, Crier.

The following business was transacted.

No. 827. ✓

Gila Bend Reservoir and Irrigation Company, a corporation, Appellant,
vs.
Peoria Canal Company - a corporation, et al., Appellees.

It is ordered that Appellees' Motion for Remittitur, filed herein, and heretofore submitted, be and the same is hereby denied.

No. 887. ✓

Louise Koing and H. A. Koing, Appellantes,
-vs-
A. L. Cummings, Appellee.

The Motion to Affirm the Judgment of the lower court on Short Transcript, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises: It is ordered that said motion be granted and the judgment of the lower court be and the same is hereby affirmed.

It is further Ordered, adjudged and decreed that the Appellee herein do have and recover of and from Louise Koing and H. A. Koing, Appellantes herein, and H. E. Cooley and A. Dentworth, sureties on appeal bond herein, his costs in this Court taxed at Thirteen and 25/100 ($13.25)

Jan. 11-'05 dollars, and his costs in the court below, in this cause incurred.

Beauchamp H. Smith
Plaintiff in Error,
No. 864. vs.
William H. Stilwell,
Defendant in Error.

The Motion to Dismiss Writ of Error, filed herein by Defendant in Error, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the Writ of Error be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Defendant in Error herein, do have and recover of and from Beauchamp H. Smith, Plaintiff in Error herein, and The United States Fidelity and Guaranty Company, a corporation surety on Writ of Error Bond herein, his costs in this court, taxed at

Beauchamp H. Smith,
Plaintiff in Error
No. 865. vs.
William H. Stilwell,
Defendant in Error.

It is ordered that the Motion to Dismiss Writ of Error filed herein by Defendant in Error, and heretofore submitted, be and the same is hereby denied.

It is further ordered that the Motion to strike from the files Abstract of Record and Brief of Plaintiff in Error, filed herein by Defendant in Error, and heretofore submitted, be and the same is hereby continued until January 23rd, 1905.

No. 873. ✓

Adolf Zaib,
Appellant,
vs.
Francis M. Hartman, as trustee in Bankruptcy of the Co-partnership firm of Benbrook & Donovan, Bankrupts,
Appellee.

✓ It is ordered that the motion to strike from the files Abstract of Record and Reporter's Transcript, filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

✓ It is further ordered that the motion to Dismiss Appeal for informalities, filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

✓ It is further ordered that the motion to Dismiss Appeal for the reason that no Bill of Exceptions was filed, filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

✓ It is further ordered that the motion to Affirm the Judgment of the lower court, filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

No. 858. ✓

Santa Fe, Prescott & Phoenix Railway Company,
Appellant,
vs.
George S. Ford,
Appellee.

On motion of Mr. A.C. Baker, Attorney for Appellee herein, It is ordered that the cause be submitted on briefs.

No. 219. ✓

Jerry Shuey,
Appellant
vs.
Territory of Arizona,
Respondent.

On motion of Mr. A.C. Baker, Attorney for Appellant herein, It is ordered that he be granted permission to add additional citations to his Brief.

Jan. 11- '05

No. 896. ✓

Martin Costello,
Appellant,
vs.
B. F. Graham and R. L. Denton,
Appellees.

It is ordered that the hearing of this cause be set for January 24- 1905.

No. 871. ✓

O. K. Franklin, Administrator of Jerry Neville, deceased,
Appellant,
vs.
M. M. Trickey, Administrator of N. H. Chapin, deceased,
Appellee.

On motion of Mr. F. S. Nave for Mr. S. M. Franklin, Attorney for Appellant herein, it is ordered that this cause be submitted on Briefs.

No. 892. ✓

Henry P. Ewing, et al.,
Appellants,
vs.
United States of America,
Appellee.

Comes now Mr. F. S. Nave, Attorney for Appellee herein, and moves the Court that he be allowed to withdraw the Motion to Dismiss Appeal, filed herein by Appellee-

No. 892. ✓

Henry P. Ewing, et al.,
Appellants,
vs.
United States of America,
Appellee.

It is ordered that the motion of Mr. F. S. Nave, Attorney for Appellee herein, to withdraw the Motion to Dismiss Appeal, be and the same is hereby granted.

No. 892.

Henry P. Ewing, et al.,
Appellants,
vs.
United States of America,
Appellee.

It is ordered that Appellants herein file their Brief in this cause within ten days.

It is further ordered that the hearing of this cause be set for January 21st, 1905

No. 853.

National Metal Company,
a corporation,
Plaintiff in Error,
vs.
Greene Consolidated Copper
Company, a corporation, et al.,
Defendants in Error.

On motion of Mr. E. S. Ives, It is ordered that he be entered of record as attorney for Defendants in Error in place of Davies & Martin.

On motion of Mr. E. S. Ives, Attorney for Defendants in Error herein, It is ordered that he be granted leave to file Supplemental Brief.

No. 881.

Phoenix & Eastern Railroad
Company, a corporation,
Plaintiff,
vs.
Arizona Eastern Railroad
Company, a corporation,
Defendant.

This cause coming on for hearing was argued by Mr. F. J. Norton for Plaintiff and by Mr. E. S. Ives for Defendant, and cause ordered submitted.

Comes now Mr. F. J. Norton, Attorney for Plaintiff herein, and moves the Court that he be granted permission to file certified copy of Minute Entries.

It is ordered that the motion of Mr. F. J. Norton, Attorney for Plaintiff herein, for permission to file Certified Copy of Minute Entries, be and the same is hereby denied.

Jan. 11-'05

No. 894

Aztec Land and Cattle Company, Limited, a corporation,
Appellant,
-vs-
The County of Navajo,
Appellee.

On motion of Mr. E. M. Dox, Attorney for Appellant herein, It is ordered that he be granted permission to amend his Brief.

No. 845

United States of America,
Appellant,
-vs-
William H. Meade, et al.,
Appellees.

On motion of Mr. Ben Goodrich, Attorney for Appellees herein, It is ordered that the hearing of this cause be set for to-morrow morning, January 12th.

It is ordered that this court stand adjourned until to-morrow morning, January 12th, at 9:30 o'clock.

Edward D. White Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona, Thursday January 12th 1905.

Court opened at 9:30 o'clock A.M.

Present, Honorable Edward Kent, ... Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Cullom, Clerk.
Dean Woodward, Bailiff.
M. H. Calderwood, Crier.

The following proceedings were transacted.

No. 881. ✓

Phoenix & Eastern Railroad Company, a corporation, Plaintiff,
vs.
Arizona Eastern Railroad Company, a corporation, Defendant.

In accordance with the view taken by a majority of the Court sitting, (Mr. Justice Doan not participating) it will be ordered that upon the giving of a bond to be approved by the Court as to form, amount and sufficiency, the operation of the injunction will be stayed by order pending the appeal to this Court, or until the further order of this Court, but if such appeal be not prosecuted in good faith and with speed, or if at any time a different state of facts developed requiring a different exercise of discretionary power, such order, upon proper application may at any time be revoked or modified.

In the Matter of the account of the Clerk of this Court for per diem for the quarter ending December 31st 1904, presented for allowance, the following order was made in open court.

Whereas, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court an account for his official services from the first day

(Jan-12-'05 of October, 1904, to the thirty-first day of December, 1904,
with the items thereof, in the presence of the United
States District Attorney, and has, by his oath attached
to the account proved to the satisfaction of the Court
that the services therein charged have been actually
and necessarily performed as therein stated; and
whereas said charges appear to be just and according
to law, it is hereby ordered that said account, amount-
ing to nineteen and 50/100 ($19.50) dollars, be, and the
same is hereby approved.

It is hereby certified that upon each day for
which a per diem is charged in this account, the
Court was opened for business and the Judges present
and presiding.

January 12th 1905

Edward Kent,
Chief Justice Supreme Court,
Territory of Arizona.

United States of America,
Appellant,
vs.
No. 845. William H. Meade, et al.,
Appellees.

This cause coming on for hearing was argued by
Mr. F.S. Nave, for Appellant and by Mr. Gen. Goodrich
for Appellees and cause ordered submitted.

In the Matter of the Application
No. 209. of the New York Foundling Hospital
a corporation for a Writ of
Habeas Corpus.

Comes now Mr. E.S. Ives, Attorney for Petitioner
herein, and moves that he be heard on application
to file Amended Petition. It is ordered that said
motion be granted.

It is further ordered that the Petitioner herein
be allowed to file Amended Petition.

On motion of Mr. E.S. Ives, Attorney for Petitioner

herein, It is ordered that he be granted permission to file Demurrer and Motion.

It is ordered that this court stand adjourned until tomorrow morning, January 13th, 1905, at 9:30 o'clock

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona, Friday January 13th, 1905.

Court opened at 9:30 o'clock, A.M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan,
" Geo R. David
S. M. Cudlow, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following Business was transacted.

Henry E. Storey
Appellant,
No. 737. vs.
Salt River Valley Canal Company,
a corporation,
Appellee.

Now, upon motion of Mr. H. H. Stilwell, attorney for Appellant, It is ordered that a Remittitur issue from this Court to the District Court of the Third Judicial District of the Territory of Arizona, in and for the County of Maricopa, in accordance with the terms of the Mandate received and filed herein.

(Jan. 13-05. Martin Gould,
Claimdiff & Appellant,
No. 738. vs.
The Maricopa Canal Company,
a corporation,
Defendant & Appellee

Now, upon motion of Mr. H. H. Stilwell, attorney for Appellant, It is ordered that a Remittitur issue from this Court to the District Court of the Third Judicial District of the Territory of Arizona, in and for the County of Maricopa, in accordance with the terms of the Mandate received and filed herein.

Thomas Brockman,
Appellant,
No. 740 vs.
The Grand Canal Company,
Appellee.

Now, upon motion of Mr. H. H. Stilwell, attorney for Appellant, It is ordered that a Remittitur issue from this court to the District Court of the Third Judicial District of the Territory of Arizona, in and for the County of Maricopa, in accordance with the terms of the Mandate received and filed herein.

On motion of Mr. F. J. Norton, It is ordered that Mr. Fred N. Morrison, who holds a certificate from the Supreme Court of the State of Missouri, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath:

Whereupon Mr Morrison took the oath in open court.

Jerry Sheehy,
Appellant,
No. 219. vs.
Secretary of Arizona
et al Respondent.

On motion of Mr. A. C. Baker, It is ordered that

he be granted permission to file suggestions of diminution of record.

On motion of Attorney General, Jos. H. Kibbey, it is ordered that the hearing of this cause be set for January 20th, 1905.

It is ordered that this court stand adjourned until to morrow morning, January 14th, at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A. D. 1905. Phoenix, Arizona, Saturday, January 14, 1905.

Court opened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, "
" Geo. R. David "
S. M. Cullom, Clerk.
Dean Woodward Bailiff
M. H. Calderwood, Crier.

The following business was transacted.

The New York Foundling Hospital, a corporation, Petitioner,
vs.
John C. Gatts, Respondent. } No. 209.

It is ordered that the Motion of Respondent to Quash the Writ, be and the same is hereby denied.

It is further ordered that the Demurrer of the Petitioner herein to the Return of Respondent be and the same are hereby overruled.

It is further ordered that the Motion, filed Jan. 13 by Petitioner to strike out certain portions of Respondents Return, be and the same is hereby denied.

Jan. 4'05

National Metal Company,
a corporation,
Plaintiff in Error,
vs.
No. 553. Grace Consolidated Copper
Company, a corporation, et al.,
Defendants in Error.

On motion of Mr. Jas. J. Hawkins, attorney for Plaintiff in Error it is ordered that he be granted 10 days in which to file reply to supplemental Brief filed herein by Defendants in Error.

New York Foundling Hospital,
Petitioner
vs.
No. 209. John C. Gatti,
Respondent.

It is ordered that the hearing of this cause be set for this afternoon at 1:30 o'clock.

Comes now Mr. Eugene Brady O'Neil, and moves that Mr. Henry L. Rosen be admitted to practice in this court, and that a committee be appointed to conduct examination

Comes now Mr. Alexander Buck, and moves that Mr. Amos C. Whitcomb be admitted to practice in this court, and that a committee be appointed to conduct examination. Whereupon the Court appointed Messrs. Geo Endicott, E. E. Ellinwood and John H. Campbell, a committee to examine Mrs Whitcomb and Mr. Rosen.

National Metal Company,
a corporation,
Plaintiff in Error,
vs.
No. 553. Grace Consolidated Copper
Company a corporation, et al.,
Defendants in Error.

This cause coming

on for hearing was argued by Messrs. Hawkins and Ross for Plaintiff in Error and by Mr. E.D. Ives for Defendants in Error and cause ordered submitted.

On motion of Mr. E.D. Ives, attorney for Defendants in Error, It is ordered that he be granted leave to add additional citations to brief.

Court took a recess until 1:30 o'clock this afternoon.

Court re-convened at 1:30 o'clock P.M.

Present- Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Dorn, " "
" Geo. R. Davis, " "
and the Clerk.

The following business was transacted.

Comes now Mr. Thos. Bennett, and moves that Mr. J.H. Baker, be admitted to practice in this court, and that a committee be appointed to conduct examination.

Thereupon the Court asked the committee appointed this morning to examine applicants for admission to practice law in this court, to examine Mr. Baker as to his qualifications for license to practice in this court.

New York Foundling Hospital,
Petitioner,
vs.
No. 209. John C. Gatti,
Respondent.

This cause coming on for hearing, two witnesses for Petitioner were sworn and examined. The hour for adjournment having arrived, It was ordered by the Court that this cause be continued until Monday morning, January 16th.

(Jan. 14-05 It is ordered that this court stand adjourned until Monday morning January 16th, 1905 at 9:30 o'clock
Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1905.
Territory of Arizona. } Phoenix, Arizona. Monday, January 16-1905.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " " "
S. M. Purdom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

The committee appointed to examine Mr. Henry H. Rowe and Mrs Anna J. Whitcomb, as to their qualifications to practice in this court, reported as follows:-

To the Hon. the Supreme Court of the Territory of Arizona.

The undersigned appointed a committee to examine Henry H. Rowe and Mrs. Anna J. Whitcomb to ascertain their qualifications for license to practice law in the Supreme Court of the Territory of Arizona beg to report that we have done so and find that in our opinion either of said applicants are sufficiently learned in the law to authorize the issuance of licenses to practice in this Court.

Respectfully submitted,
Ben. Goldrich.
E. E. Ellinwood. } Committee.
J. H. Campbell.

The Committee also submitted the following report -

To the Hon. The Supreme Court of the Territory of Arizona.

The undersigned appointed a committee to examine J. H. Baker as to his qualifications for license to practice law in this Court, beg to report that we have done so, and take pleasure in saying we find him well equipped and competent and recommend that license be granted him.

Respectfully.

Ben Goodrich
E. E. Ellinwood
J. H. Campbell
} Committee.

The Committee appointed to examine Mr. J. H. Baker as to his qualifications to practice Law in this court, reporting favorably: It is ordered that he be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath. Thereupon, in open Court Mr. Baker took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

Frank Miller,
Appellant,
vs.
Territory of Arizona,
Respondent.
} No. 185.

It is ordered that the hearing of this cause be continued until January 17th, 1905.

E. Erdin, otherwise known as Chafes,
Appellant,
vs.
Territory of Arizona,
Respondent.
} No. 186.

It is ordered that the hearing of this cause be continued until January 17th, 1905.

Jan-16-'05 E. Figueroa,
Appellant,
No. 189. vs
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be continued until January 17th, 1905.

New York Foundling Hospital,
Petitioner,
No. 209. vs.
John C. Gatti,
Respondent.

On motion of Mr. E. S. Ives, It is ordered that he be granted leave to file Amendment to Petitioners traverse to Return - Par. III.

This cause coming on for hearing, three witnesses were sworn and examined and cause continued until this afternoon.

Court took a recess until 2 P. M.

Court reconvened at 2 o'clock P. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
and the Clerk.

The following business was transacted.

Phoenix & Eastern Railroad Company, a corporation,
Appellant,
No. 881. vs.
Arizona Eastern Railroad Company, a corporation,
Appellee.

In this cause, It is ordered that the Order Suspending Judgment be filed, which said order is in the following words, to-wit:

It appearing satisfactorily to this Court that this is a consolidated suit pending in the District Court of the Second Judicial District of the Territory of Arizona,

in and for the County of Pinal, numbered 1315 and 1377, a decree was entered against said appellant perpetually restraining it from taking possession of any part or parcel of the premises in said suit involved and from constructing or operating a railroad thereupon, and granting to the Appellee the exclusive possession, free from any interference whatever, of said premises; that appellant duly made an application to the said District Court for the arrest of such judgment and a stay of the execution thereof until its appeal to this Court should be finally determined; that at the time said application was made appellant offered to execute and file an undertaking in favor of the Arizona Eastern Railroad Company in such sum as said Court should fix, with sureties to be approved by the Court; that said Court denied said application; that thereupon said appellant perfected its appeal to this Court and applied herein for an order of supersedeas.

And it further appearing that subsequent to the making of the aforesaid application of Appellant in this Court a hearing upon said petition was had before the Chief Justice of this Court sitting in chambers in the City of Phoenix and that an order was thereupon entered on the 26th day of November, 1904, commanding each of the parties to refrain and desist from any use, occupation or enjoyment of the property in question and dispute and from the exercise of any rights or ownership thereof, except that the appellant should have the right to exercise such care and supervision as might be necessary for the proper protection of the property from loss or damage, and that said order should be in force and effect until said application could be heard by this Court.

And it further appearing from the papers filed herein and from the admission of counsel for both parties made in open court that the said railroad had been constructed subsequent to the commencement of the action in said consolidated cause by the Phoenix & Eastern Railroad Company under the protection of certain preliminary injunctions which had been entered restraining the Arizona Eastern Railroad Company from entering upon the said premises and inter-

Jan. 16-'06 Lving with the Phoenix & Eastern Railroad Company
in constructing the said railroad and that the said
railroad having been constructed before the entry of
said judgment the Phoenix & Eastern Railroad Company,
Appellee, and at the time of the entry thereof, was operating
a railroad over the said premises.

And it further appearing that the Arizona Eastern
Railroad Company, at the date hereof, has no railroad con-
structed and in operation on either side of the prem-
ises in dispute, or elsewhere.

And it further appearing that it is further and
necessary to the doing of justice between the parties
to this action and for the public interest to arrest
and suspend the operation of said injunction until
this appeal is finally determined by this Court or
until further or otherwise ordered;

Now, Therefore, it is hereby ordered that the prayer
of Appellant's said petition be and the same is hereby
granted, and that the operation of the injunction
ordered by the District Court of the Second Judicial
District of the Territory of Arizona, in and for the
County of Pinal, in said consolidated cause be, and it
is hereby arrested and suspended until this appeal
is finally determined or until the further order of
this Court.

It is further ordered that as a condition of the
granting of this order the Phoenix & Eastern Railroad
Company execute a bond in the penal sum of Fifty
Thousand ($50,000) dollars, a copy of which is hereto
attached, and that upon the filing and approval of
said bond this order shall have full force and effect.

Done in open court at Phoenix, Arizona, this 14th
day of January, 1905.

By the Court
Edward Kent
Chief Justice.

Approved as to form, accepted and consented.
Eng. S. Ives,
Atty. for Appellee.

New York Foundling Hospital,
Petitioner,
vs.
No. 209. John C. Gatti,
Respondent.

This cause coming on again for hearing, two witnesses were sworn and examined for Petitioner.

Comes now Mr. W.C. McFarland, attorney for Respondent herein, and moves that the affidavit of Mr. Bull be read, counsel for Petitioner objecting. It is ordered that said motion be submitted.

Five witnesses on behalf of Respondent were sworn and examined. The hour for adjournment having arrived it is ordered that this cause be continued until to-morrow morning, January 17th.

It is ordered that this court stand adjourned until to-morrow morning, January 17th, at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A. D. 1905.
Phoenix, Arizona, Tuesday January 17-1905.
Court opened at 9:30 o'clock A. M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Cullum, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted-

Jan. 17-'05 Frank Miller,
Appellant,
No. 185. vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be continued until January 18: 1905.

E. Escobia, otherwise known as Chapito,
Appellant,
No. 186. vs.
Territory of Arizona
Respondent.

It is ordered that the hearing of this cause be continued until January 18th, 1905.

E. Figueroa,
Appellant,
No. 189. vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be continued until January 18th, 1905.

Ramon Moreno,
Appellant,
No. 188. vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be continued until January 18th, 1905.

Francisco Mapula and
Diocricio Jurado,
Appellants,
vs.
No. 187. ✓
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be continued until January 18th, 1905.

New York Foundling Hospital,
Petitioner.
vs.
No. 209. ✓
John C. Gatti,
Respondent.

✓ This cause being continued from yesterday, eight witnesses were sworn and examined on behalf of Respondent; and cause continued until this afternoon.

✓ It is ordered that the motion of Mr. W.C. McFarland, attorney for Respondent herein, to read the affidavit of Mr. Gatti be and the same is hereby denied.

Court took a recess until 2 o'clock this afternoon.

Court reconvened at 2 o'clock.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
and the Clerk.

The following Business was transacted.

New York Foundling Hospital,
Petitioner,
vs.
No. 209. ✓
John C. Gatti,
Respondent.

✓ The hearing of this cause being resumed four witnesses were sworn and examined on behalf of Respondent.

✓ On motion of Mr Favour, Attorney for Petitioner herein, it is ordered that he be granted leave to file Stipulation.

Jan. 17-05 Comes now Mr. Walter Bennett, attorney for Respondent herein, and moves for unlimited time for argument in this cause. It is ordered by the Court that said motion be and the same is hereby denied.

On motion of Mr. E.S. Ives, attorney for Petitioner herein, it is ordered that one hour and ten minutes be granted each side for argument.

This cause was argued by Mr. Thos. Bennett and Mr. Eugene S. Ives for Petitioner and by Mr. H.C. McFarland and Mr. Walter Bennett for Respondent and cause ordered submitted.

It is ordered that this Court stand adjourned until to-morrow morning, at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1905
Territory of Arizona. } Prescott, Arizona, Wednesday January 18, 1905

Court opened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, " "
Geo. R. Davis " "
D. M. Cullen, Clerk.
M. H. Caldwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

No. 879. Frances Cunningham, Appellant, vs. Frank V. Moreno, et al., Appellees.

On motion of Mr. H.L. Pickett, it is ordered that his name be entered of record as counsel for Appellees herein.

E. Erdis, otherwise known as Chapps,
Appellant,
vs.
No. 186. ✓ Territory of Arizona,
Respondent.

It is ordered that this cause be submitted.

E. Figueroa,
Appellant,
No. 189. ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted.

Ramon Moreno,
Appellant,
No. 188. ✓ vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted.

Martin Costello,
Appellant,
No. 896. ✓ vs.
C. F. Graham, et al.,
Appellees.

On motion of Hubert Steel, Esq., attorney for appellees herein, It is ordered that he be granted permission to withdraw the Original Papers in this cause for the purpose of preparing Brief.

Frank Miller,
Appellant,
No. 185. ✓ vs.
Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by

Jan 18-'05. Mr. E. J. Edwards for Appellant, and by Attorney General Jos. H. Kibbey for Respondent, and cause ordered submitted.

No. 187. Francisco Maguda and Dionicio Jurado, Appellants, vs. Territory of Arizona, Respondent.

This cause coming on for hearing was argued by Mr. E. J. Edwards for Appellants, and by Attorney General Jos. H. Kibbey for Respondent, and cause ordered submitted.

No. 201. W. F. Armstrong, Appellant, vs. Territory of Arizona, Respondent.

This cause coming on for hearing was argued by Mr. E. J. Edwards for Appellant, and by Attorney General Jos. H. Kibbey for Respondent, and cause ordered submitted.

No. 879. Frances Cunningham, Appellant, vs. Frank V. Moreno, et al., Appellees.

This cause coming on regularly for hearing, and attorney for Appellant not being present was argued by Mr. L. L. Pickett for Appellees, and cause ordered submitted.

It is ordered that this Court stand adjourned until to-morrow morning, January 19th, at 9:30 o'clock.

Chief Justice.

Supreme Court, } January Term, A.D. 1905
Territory of Arizona. } Phoenix, Arizona. Thursday January 19-1905.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " " "
" Geo. R. Davis " " "
S. M. Cullom, Clerk.
United States Attorney.
W. H. Calderwood, Crier.
Sean Woodward, Bailiff.

The following business was transacted -

Fred Hicklin,
Appellant,
vs.
No. 220 ✓
Territory of Arizona,
Respondent.

On motion of Mr. Jos. H. Kibbey, for Mr. John J. Hawkins, attorney for Appellant herein, It is ordered that this cause be submitted on briefs.

On motion of Mr. Jos. H. Kibbey, attorney for Respondent herein, It is ordered that he be granted ninety days in which to file brief.

On motion of Mr. Jos. H. Kibbey, for Mr. John J. Hawkins It is ordered that Appellant herein be granted one week after the filing of Respondent's brief in which to file reply brief.

Francisco Mafuds and
Diocricio Jurado,
Appellants,
vs
No. 187. ✓
Territory of Arizona,
Respondent.

On motion of Mr. E. J. Edwards, attorney for Appellants herein, It is ordered that he be granted five days from to-day, in which to file brief.

Jan. 19-'05.

No. 201. ✓

W. F. Armstrong,
Appellant,
-vs-
Territory of Arizona,
Respondent.

On motion of Mr. E. J. Edwards, attorney for Appellant herein, It is ordered that he be granted five days from today in which to file Briefs.

No. 194. ✓

Jack Booth,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by Mr. E. J. Edwards and Mr. Geo. J. Steuman, for Appellant, and by Mr. A. C. Baker, for Respondent, and cause ordered submitted.

On motion of Mr. Baker, It is ordered that he be granted permission to add additional citations in Respondents Brief.

It is ordered that this Court stand adjourned until to-morrow morning January 20, at 9:30 o'clock.

Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona, Friday January 20-1905.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, " "
Geo. R. Davis, " "
S. M. Cullom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

George H. Schurman, et al.,
as the Supervisors of Yavapai Co.,
Appellants,

No. 870. ✓ vs.

The Territory of Arizona, upon
relation of C. S. Clark, as District
Attorney of Yavapai County, in
said Territory,
Appellee.

✓ Comes now Mr. Jos. H. Kibbey, attorney for Appellee herein, and moves the Court to substitute Fred Sattes and Barney Smith as parties to this suit in lieu of their predecessors in office, Fred Stephens and D. G. Sinclair.

✓ It is ordered that said motion be submitted.

Wallapai Mining & Development
Company, a corporation,
Appellant,

No. 885. ✓ vs.

Territory of Arizona, at the Relation
and Petition of Foster S. Downs, Treasurer
and Ex. Officio Tax Collector of Mohave County.
Appellee.

On motion of Mr. Reese M. King, attorney for

Jan. 20-05 Appellee's Brief. It is ordered that this cause be submitted on Briefs.

It is Further ordered that Appellant have to granted one week from today in which to file reply Brief.

Court took a recess until 2 o'clock this afternoon.

Court reconvened at Two o'clock.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis " "
and the Clerk.

The following business was transacted.

J. E. McCoy,
Appellant,
No. 854. vs.
J. J. Brooks,
Appellee.

This cause coming on for hearing was argued by Mr. Reese M. Ling for Appellant and by Mr. Henry Ross for Appellee, and cause ordered submitted.

George A. Treadwell, et al.,
Appellants,
No. 860. vs.
George O. Mann,
Appellee.

This cause coming on for hearing was argued by Mr. H. M. Hubbard for Appellant, and cause ordered continued until to-morrow, January 21st.

It is ordered that this Court stand adjourned until tomorrow morning, Jan'y. 21, at 9:30 o'clock.

Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Saturday January 21-1905.

Court opened at 9:30 o'clock.

Present: Honorable Edward Kent Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan,
Geo. R. Davis
S. M. Cullom Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

New York Foundling Hospital,
Petitioner,
vs.
No. 209. ✓ John C. Gatti,
Respondent.

This cause having been heretofore submitted and by the Court Taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the Writ of Habeas Corpus issued in this cause be, and the same is hereby, dismissed.

In the Matter of the Application
by the New York Foundling Hospital,
a corporation, for a Writ of Habeas
Corpus.
New York Foundling Hospital,
Petitioner,
vs.
No. 209. ✓ John C. Gatti,
Respondent.

Whereas, a Writ of Habeas Corpus, directed to John C. Gatti, was on the 2nd day of January, 1905, issued out of this Court upon the application of the above-named Petitioner in behalf of William Norton; and

Whereas, on the 16th day of January, 1905, the said John C. Gatti, who produced the said Writ of Habeas Corpus, produced the body of the said William Norton before this Court, and made return to said

Jan-21-05 Writ of Habeas Corpus; and

Whereas, on the 12th day of January, 1905, the said petitioner made reply to and traversed said answer and return; and

Whereas, upon full consideration of the Writ, the Return, and the Traverse, and of all the evidence introduced on the part of the petitioner, as well as on the part of the respondent, it appears to the Court:

That the said William Norton is a minor, of the age of two and a half years; that the real interests of the said William Norton require that the said John C. Gatti have the care, custody and control of the said William Norton; and that the said John C. Gatti, respondent, has not illegally restrained said William Norton of his liberty.

It is Therefore Ordered, Adjudged and Decreed: That the said William Norton be, and he is hereby, remanded to the care, custody and control of the said John C. Gatti, respondent, and that the said John C. Gatti do retain the care, custody and control of the said William Norton.

It is Further Ordered that the respondent, John C. Gatti, do have and recover of the petitioner, the New York Foundling Hospital, a corporation, his costs and disbursements therein, taxed at seven hundred ninety-one and 80/100 ($791.80) dollars.

Writ of Habeas Corpus issued January 11th 1905. Petition filed Jan. 12th 1905. Return filed Jan. 21st 1905. Traverse filed Jan. 21st 1905. Petition filed Jan. 21st 1905. Writ returnable Jan. 21st 1905. Petition granted

It is further ordered that the amount of the cost fund be fixed in the sum of one thousand ($1,000.) dollars.

New York Foundling Hospital,
Petitioner,
vs.
No. 202. James E. Hargis,
Respondent.

For the reasons stated in the Opinion filed in the case of The New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

New York Foundling Hospital,
Petitioner
vs.
No. 203. James Edgerton,
Respondent.

For the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

New York Foundling Hospital,
Petitioner,
vs
No. 204. John C. Tyler,
Respondent.

For the reasons stated in the Opinion filed in the case of The New York Foundling Hospital vs John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

Jan. 21-'05 New York Foundling Hospital,
Petitioner,
No. 205. vs.
Mrs. Rose Hill,
Respondent.

For the reasons stated in the Opinion filed in the case of The New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as the stipulation on file in said cause.

New York Foundling Hospital,
Petitioner,
No. 206. vs.
C.C. Reed,
Respondent.

For the reasons stated in the Opinion filed in the case of The New York Foundling Hospital vs. John C. Gatti No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

New York Foundling Hospital,
Petitioner,
No. 207. vs.
Harry Wright,
Respondent.

For the reasons stated in the Opinion filed in the case of The New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as the stipulation on file in said cause.

New York Foundling Hospital,
Petitioner,
No. 208. vs.
Mrs. Olive Freeman,
Respondent.

For the reasons stated in the Opinion filed in the case of The New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this

case is discussed, as per stipulation on file in said cause.

No. 210. ✓

New York Foundling Hospital,
Petitioner,
vs.
J. F. Feely,
Respondent.

For the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is discussed, as per stipulation on file in said cause.

No. 211. ✓

New York Foundling Hospital,
Petitioner,
vs.
George H. Nash,
Respondent.

For the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is discussed, as per stipulation on file in said cause.

No. 212 ✓

New York Foundling Hospital,
Petitioner,
vs.
H. H. Cooper,
Respondent.

For the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is discussed, as per stipulation on file in said cause.

No. 213. ✓

New York Foundling Hospital,
Petitioner,
vs.
George Feaver,
Respondent.

For the reasons

Jan. 21-'05 Stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

No. 214. New York Foundling Hospital,
Petitioner,
vs.
Thomas Simpson,
Respondent.

For the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

No. 215. New York Foundling Hospital,
Petitioner,
vs.
C. F. Pascal,
Respondent.

For the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

No. 216. New York Foundling Hospital
Petitioner,
vs.
Hugh Quinn,
Respondent.

For the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is dismissed, as per stipulation on file in said cause.

No. 217 ✓

New York Foundling Hospital,
Petitioner,
vs.
Rebecca H. Tong,
Respondent.

On the reasons stated in the Opinion filed in the case of the New York Foundling Hospital, vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is discharged, as per Stipulation on file in said cause.

No. 218. ✓

New York Foundling Hospital,
Petitioner,
vs.
Sara Graham,
Respondent.

On the reasons stated in the Opinion filed in the case of the New York Foundling Hospital vs. John C. Gatti, No. 209, the Writ of Habeas Corpus issued in this case is discharged, as per Stipulation on file in said cause.

No. 219. ✓

Jerry Shirley,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. A. J. Baker, attorney for Appellant herein, It is ordered that he be granted leave to file Testimony of Frank L. Baxter before Justice of the Peace...

No. 860. ✓

George A. Treadwell, et al.,
Appellants,
vs.
George O. Marvel,
Appellee.

✓ This cause coming on to be heard upon the motion of Appellee to dismiss the appeal herein, and upon the record, briefs and arguments of counsel for the respective parties, and Marvel for Appellee, and counsel for Appellants not appearing, and

✓ On motion of Marvel, counsel for Appellee, it is

Jan 21-'05 Ordered that he be granted leave to add additional citations to his Brief.

Henry C. Ewing, et al.,
Appellants,
No. 892. vs.
United States of America,
Appellee.

This cause coming on for hearing was argued by Mr. Robt. E. Morrison for Appellants, and by Mr. Frederick S. Nave for Appellee, and cause ordered submitted.

Henry C. Ewing, et al.,
Appellants,
No. 892. vs.
United States of America,
Appellee.

Comes now Mr. Frederick S. Nave, attorney for Appellee herein, and moves that he be granted time to file Brief.

Henry C. Ewing, et al.,
Appellants,
No. 892. vs.
United States of America,
Appellee.

In this cause it is ordered that the motion of Mr. Frederick S. Nave, attorney for Appellee herein, for time to file Brief, be and the same is hereby granted, and Appellee given one week from to-day in which to file Brief.

Court took a recess until 3 o'clock this afternoon.

Court re-convened at 3 o'clock.

Present: Honorable Edward Kent, Chief Justice.
" " Richard E. Sloan, Associate Justice.
" " Fletcher M. Doan, " "
" " Geo. R. David, " "
and the Clerk.

The following business was transacted.

George H. Schuerman, et al.,
as the Supervisors of Yavapai Co.,
Appellants,

No. 870 ✓ vs.

The Territory of Arizona, upon relation
of C. S. Clark, as District Attorney of
Yavapai County, in said Territory,
Appellee.

It is ordered that the hearing of this cause be set
for January 23. 1905.

John C. Scott,
Appellant,

No. 872. ✓ vs.

N. K. Griffin,
Appellee.

It is ordered that this cause be re-set for January
23rd, 1905.

It is ordered that this Court stand adjourned until
Monday morning, January 23, 1905 at 9:30 o'clock.

Edward Kent Chief Justice.

Jan. 23-'05 Supreme Court, } January Term, A.D. 1905
Territory of Arizona. } Phoenix, Arizona, Monday January 23rd 1905

Court opened at 930 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, "

S.M. Cardon, Clerk.
M.H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

No. 870 ✓

George N. Schuerman, et al.,
as the Supervisors of Yavapai Co.,
Appellants,
vs.
The Territory of Arizona upon
relation of E.S. Clark, as District
Attorney of Yavapai County, in
said Territory,
Appellee.

It is ordered that the hearing of this cause be
re-set for January 24th, 1905

No. 872 ✓

John C. Score,
Appellant,
vs.
N.L. Griffin,
Appellee.

It is ordered that the hearing of this cause be
re-set for January 24th, 1905.

No. 196 ✓

Birdell Thomas,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be set
for January 24th, 1905.

No. 865. Beauchamp H. Smith,
Plaintiff in Error,
vs.
William H. Stilwell,
Defendant in Error.

It is ordered that this cause be continued.

No. 866. Beauchamp H. Smith,
Plaintiff in Error,
vs.
The King of Arizona Mining and Milling Company, et al.,
Defendants in Error.

On motion of Mr. E. S. Ives, attorney for Defendants in Error, It is ordered that this cause be heard before cause No. 865.

No. 897. Anna Williams,
Appellant,
vs.
Richard Jones,
Appellee.

Comes now Mr. Thos. Armstrong Jr. for Mr. E. E. Ellinwood, attorney for Appellee herein, and moves the Court to affirm the judgment of the lower court in this cause. It is ordered by the Court that said motion be submitted.

No. 866. Beauchamp H. Smith,
Plaintiff in Error,
vs.
The King of Arizona Mining and Milling Company, et al.,
Defendants in Error.

This cause coming on for hearing and argument on Mr. J. Fleming for Plaintiff in Error, and by Mr. E. S. Ives for Defendants in Error, said cause submitted.

(Dec. 23-'05 Branchard H. Smith,
Plaintiff in Error,
No. 864 A. vs.
William H. Stilwell,
Defendant in Error.

In this cause it is ordered that Mr. J. F. Conroy, attorney for Plaintiff in Error, file, today a Motion to Vacate the Order Dismissing the Writ of Error, made and entered herein on the 11th day of January, 1905

It is ordered that this Court stand adjourned until to-morrow morning January 24th at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1905.
Territory of Arizona } Phoenix, Arizona Tuesday January 24-1905

Court opened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan,
Geo. R. Davis,
S. M. Cullen, Clerk.
M. H. Caldecwood Crier
Dean Woodward, Bailiff.

The following Business was transacted.

Birdell Inman,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the cause be passed over the day.

No. 867. ✓

Hermann D. Keppler, et al.,
Appellants,
vs.
Paul Becker,
Appellee.

It is ordered that this cause be passed for the day.

No. 896. ✓

Martin Costello,
Appellant,
vs.
G. F. Graham, et al.,
Appellees.

On motion of Webster Street, Esq., attorney for Appellees herein, It is ordered that this cause be submitted on briefs.

No. 864. ✓

Beauchamp H. Smith,
Plaintiff in Error,
vs.
William H. Stilwell,
Defendant in Error.

It is ordered that the Motion to Vacate the Order Dismissing Writ, filed herein by Defendant in Error, be and the same is hereby submitted.

No. 872. ✓

John A. Scarr,
Appellant,
vs.
N. L. Griffin,
Appellee.

On motion of Mr. P. G. Norris, attorney for Appellee herein, It is ordered that he be granted fourteen days additional time in which to file brief.

On motion of Mr. F. G. Norris, it is ordered that this cause be submitted on briefs.

Jan. 24-'05

Yavapai Mining & Development Company, a corporation,

Appellant,

No. 885 ✓

-vs-

Territory of Arizona at the Relation and to the use of Foster D. Dennis, Treasurer and Ex Officio Tax Collector of Mohave County,

Appellee.

On motion of Mr. Frank Cox for attorney for Appellant herein. It is ordered that Appellant have ten days in which to file reply Brief.

George H. Schieffman, et al., as the Supervisors of Yavapai Co.,

Appellants,

No. 870 ✓

-vs-

The Territory of Arizona upon relation of E. S. Clark as District Attorney of Yavapai County, in said Territory,

Appellee.

✓ Comes now Mr. T. F. Norris, attorney for Appellants herein, and moves that this cause be submitted on Brief.

✓ It is ordered that said motion be and the same is hereby denied.

George H. Schieffman, et al., as the Supervisors of Yavapai Co.,

Appellants,

No. 870 ✓

-vs-

The Territory of Arizona upon relation of E. S. Clark, as District Attorney of Yavapai County, in said Territory,

Appellee.

✓ This cause coming on for hearing was argued by Mr. T. F. Norris for Appellants, and by Mr. E. S. Clark and Mr. Jos. H. Kibbey for Appellee and cause ordered submitted.

✓ On motion of Mr. Jos. H. Kibbey, attorney for Appellee. Leave is ordered that he be granted 20 days in which

to file Brief.

No. 870. George H. Schuerman, et al, as the Supervisors of Yavapai Co., Appellants,
vs.
The Territory of Arizona, upon relation of E. S. Clark, as District Attorney of Yavapai County, in said Territory, Appellee.

It is ordered that the Motion to substitute Fred Bates and Barney Smith as parties to this suit in lieu of and as successors to Fred Stephens and D. G. Sinclair, filed herein by Appellee be and the same is hereby granted.

Territory of Arizona, Appellant,
vs.
No. 180. J. M. H. Moore, Appellee.

On motion of Mr. E. S. Clark, It is ordered that Appellant have 10 days in which to file Brief.

On motion of Mr. F. G. Norris, It is ordered that Appellee have 5 days thereafter in which to file Bro Brief.

Court took a recess until 2 o'clock this afternoon.

Court reconvened at 2 o'clock.

Present: Honorable Edward Kent, Chief Justice.
" " Richard E. Sloan, Associate Justice.
" " Fletcher M. Doan, " "
" " Geo. R. Davis, " "
and the Clerk.

The following Proceedings were had:

Jan. 24-'05 Beauchamp H. Smith,
Plaintiff in Error,
No. 865 ✓ vs.
William H. Stilwell,
Defendant in Error.

This cause coming on for hearing was argued by Mr. J. F. Conroy for Plaintiff in Error and by Mr. W. H. Stilwell for Defendant in Error, and cause ordered submitted.

It is ordered that this Court stand adjourned until to morrow morning January 25th at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1905.
Territory of Arizona. } Phoenix, Arizona. Wednesday January 25, 1905.

Court opened at 9:30 o'clock, A. M.

Present: Honorable Edward Kent Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis "
S. M. Cullom, Clerk
M. H. Calderwood, Crier
Dean Woodward, Bailiff.

The following business was transacted.

Jesse Hoyt Smith,
Appellant,
vs.
No. 861. ✓
William J. Rainey, et al.,
Appellees.

On motion of Mr. Walter Bennett, attorney for Appellee herein, It is ordered that this cause be submitted on briefs.

Birell Thomas,
Appellant,
vs.
No. 196. ✓
Territory of Arizona,
Respondent.

✓ On motion of Mr. Jos. H. Kibbey, It is ordered that Respondent be allowed to file Brief to-day.

✓ On motion of Mr. Walter Bennett, It is ordered that Appellant be granted five days in which to file reply Brief.

✓ This cause coming on for hearing was argued by Mr. Walter Bennett for Appellant, and by Mr. Jos. H. Kibbey for Respondent, and cause ordered submitted.

✓ On motion of Walter Street, Esq., It is ordered that Wilson Neville, Esq., who holds a certificate from the Supreme Court of Nebraska, be admitted to practice in this court upon filing said certificate and signing the Roll of Attorneys, and thereafter Mr. Neville filed his certificate and took the oath.

Jan. 25-'05

No. 886. ✓

The Meyer-Clarke Rose, Mines Company, a corporation,
Appellant,
vs.
Albert Steinfeld,
Appellee.

On motion of Mr. A. C. Baker, for W. M. Lovell, Esq., It is ordered that he be granted permission to insert slips with additional citations in Appellant's Brief.

No. 185 ✓

Frank Miller,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. E. J. Edwards, It is ordered that Appellant's time for filing Brief be extended three days.

No. 187. ✓

Francisco Maruba and
Dionicio Jurado,
Appellants,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. E. J. Edwards, It is ordered that the time granted Appellants in which to file brief be extended three days.

No. 867. ✓

Herman D. Keppler, et al.,
Appellants,
vs.
Paul Becker,
Appellee.

This cause coming on for hearing was argued by Mr. E. J. Edwards for Appellants, and by Mr. W. Herring and Mr. Edward L. Sorin for Appellee, and cause ordered submitted.

A. L. Henshaw, et al.,
Appellants,

No. 863. ✓ vs.

The Salt River Valley Canal Company, a corporation, et al.,
Appellees.

It is ordered that the hearing of this cause be passed for the day.

David Hardenberg and Marcus Steinman,
Appellants,

No. 874. ✓ vs.

John M. Ward,
Appellee.

It is ordered that the hearing of this cause be passed for the day.

Jerry Shuhy,
Appellant,

No. 219. ✓ vs.

Territory of Arizona,
Respondent.

It is ordered that the hearing of this cause be passed for the day.

It is ordered that this court stand adjourned until to-morrow morning, January 26th, at 9:30 o'clock.

Edward Kent Chief Justice.

Jan. 26. '05 Supreme Court } January Term, A.D. 1905.
Territory of Arizona. } Standing Agenda. Thursday, January 26, 1905.
Court opened at 9.30 o'clock A.M.
Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, " "
Geo. R. Davis, " "
S. M. Cullom, Clerk
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.
The following business was transacted.

A. L. Henshaw, et al.,
Appellants,
No. 863. vs.
The Salt River Valley Canal Company, a corporation, et al.,
Appellees.

This cause coming on for hearing was argued by Mr. Thos. Hemphill Jr., and Mr. William Herring, for Appellants, and by Mr. Webster Street and Mr. J. M. Jamison, for Appellees, and cause ordered submitted.

David Hardenberg and Moses H. Shuman,
Appellants,
No. 874. vs.
John M. Ward,
Appellee.

On motion of Mr. C. F. Ainsworth, attorney for Appellants herein, It is ordered that this cause be submitted on briefs.

Jerry Shuhy,
Appellant,
No. 219. vs.
Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by Mr. C. C. Baker, for Appellant and by Mr. Jos. H. Kibbey,

For Respondent, and cause ordered submitted.

On motion of Attorney General, Jos. H. Kibbey, It is ordered that he have until to-morrow in which to file citation of authorities.

It is ordered that this court stand adjourned until to-morrow, January 27th, at 2:30 o'clock P.M.

Edward Kent Chief Justice.

Supreme Court, Territory of Arizona. } January Term, A.D. 1905.
Phoenix, Ariz. and Friday January 27th, 1905.

Court opened at 2:30 o'clock P.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan,
" Geo. R. David,
S. M. Cullen, Clerk.
M. H. Calderwood, Asst.
Dean Woodward, Bailiff.

The following proceedings were transacted.

James R. Thorpe,
Appellant,
vs.
No. 880. ✓
J. N. Claxton, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be and the same is hereby denied.

Jan. 27. '05 Anna Williams,
Appellant,
No. 897. vs.
Richard Jones,
Appellee.

It is ordered that the motion to affirm the judgment of the lower court on Short Transcript, filed herein by Appellee, and heretofore submitted, be and the same is hereby, denied.

The Anglo-California Bank, Limited,
Appellant,
No. 876. vs.
George B. Marsh,
Appellee.

In this cause: It is ordered that the appeal be and the same is hereby dismissed for want of prosecution.

Jesus Gomez,
Appellant,
No. 1902. vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted.

It is ordered that this court stand adjourned until March 14th, 1905 at 10 - o'clock A.M.

Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona, Tuesday, March 14-1905.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
E. McCulloch, Clerk.
M. H. Caldwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

No. 809. ✓

Arthur J. Edwards, Administrator of the Estate of Edward P. Hayden, deceased, Appellant,

vs.

Charles F. Simms, et al., Appellees.

✓ It is ordered that the Motion that Christy & Lewis be added as counsel for appellant, filed herein, be continued until Thursday March 16th.

✓ It is further ordered that the Motion for substitution of Jno. H. Crenshaw as party defendant, filed herein, be continued until Thursday, March 16th. and

✓ It is further ordered that the Motion for substitution of Julia A. Lount as party defendant, filed herein, be continued until Thursday, March 16th.

No. 881. ✓

Phoenix & Eastern Railroad Company, a corporation, Plaintiff,

vs.

Arizona Eastern Railroad Company, a corporation, Defendant.

It is ordered that the Motion to Vacate Supersedeas Order, filed herein by defendant, be continued until to-morrow morning.

March 14 1905 It is ordered that this court stand adjourned until to-morrow, Wednesday, at 10 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Wednesday, March 15-1905

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Geo. R. Davis, " "
S. M. Cullom, Clerk
M. H. Calderwood, Crier
Dean Woodward, Bailiff.

The following business was transacted.

No. 881. The Phoenix & Eastern Railroad Company, a corporation, Plaintiff, vs. Arizona Eastern Railroad Company, Defendant.

On motion of Mr. F. J. Norton, attorney for Plaintiff herein, It is ordered that he have thirty days additional time in which to file record from the lower court.

No. 209. In the Matter of the Application of The New York Foundling Hospital for Writ of Habeas Corpus.

Upon the affidavit of Eugene S. Ives, hereto annexed, and it appearing by said affidavit that good cause is shown why the time of the appellant to docket the case and file the record herein should be enlarged, and, on motion of Eugene S. Ives attorney for appellant,

It is ordered that the time of the appellant to

docket the case and file the record herein is enlarged and extended until the 1st day of May, 1905.

Phoenix & Eastern Railroad Company, a corporation, Plaintiff, vs. Arizona Eastern Railroad Company, Defendant. } No. 881. ✓

It is ordered that the Motion to vacate the Supersedeas Order, filed herein by Defendant, be submitted.

Court took a recess until 2 o'clock this afternoon.

Court re-convened at 2 o'clock.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
and the Clerk.

The following business was transacted.

Phoenix & Eastern Railroad Company, a corporation, Appellant, vs. Arizona Eastern Railroad Company, Appellee. } No. 881. ✓

The appellee herein having filed a motion to recall the order entered herein on the 14th day of January, 1905, granting the prayer of the petition and suspending the operation of the injunction granted by the district court,

Now, upon showing and due deliberation having been had, and the court having announced its decision in the language following, to-wit:

March 15/05 "In the matter of the application of the Phoenix & Eastern against the Arizona Eastern R.R. Co.

It is not sought in this application to review the determination that the court reached in granting the order suspending the injunction. The motion is made on the ground that the conditions have changed so as to authorize the court in its discretion to vacate the former order.

We think, while it appears from the papers that the road is not now in operation over this disputed territory, that it also clearly appears that the existing conditions that prevent such operation have been brought about by the forces of nature, and that such conditions have been beyond the control of the railroad company, and that it appears that the company purposes at the earliest practicable date to rebuild the road and bridges and to operate the trains as soon as possible.

We do not think, therefore, that the fact that the road is not being operated as shown, is reason for granting the relief now asked for by the Arizona Eastern.

It is further claimed that improper use has been made of our determination in proceedings before the Secretary of the Interior.

We do not see how with the order that we made before the Secretary, he can be misled, or that he will fail to have knowledge of the exact force of our determination as made.

We think the brief referred to in the application before us was inaccurate in its statement of the order that we made, and, perhaps, misleading. We think that it does not afford a ground for changing our determination.

It was clear that the controlling reason for granting the relief that we did, was the convenience of the public in the operation of the road and the fact that the Arizona Eastern could not operate trains.

In denying this present application, which we feel it proper to do upon the matter as presented, if it is desired by counsel, we are willing to include in the order denying it, a clear statement of it, if

it is not clear in the former order, that the controlling reason for granting the suspension was the convenience of the public, and that the judgment was neither reversed or suspended, but that the operation of the injunction simply is suspended by our order... That may be included in the order denying the motion if counsel desires."

Now, Therefore, for the reasons and grounds stated in said decision, the motion of the appellee is denied.

Comes now Mr. H. F. Ashurst, and moves that Mr. F. C. Reid be admitted to practice in this court, and that a committee be appointed to conduct examination,

Whereupon the Court appointed, Messrs. Webster Street, Walter Bennett and E. W. Lewis, a committee to examine Mr. Reid as to his qualifications for license to practice in this court.

Henry Harmon, Administrator of the Estate of Jerry Neville, deceased, Appellant,

vs.

No. 790 ✓ George W. Crowe, Appellee.

✓ On motion of Mr. E. S. Ives, attorney for appellant herein, It is ordered that Mr. Frank H. Doan may appear in this cause for attorneys for appellee.

✓ Comes now Mr. Frank H. Doan, for appellee herein, in open court, and gives notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

✓ It is ordered that said motion be granted, and the appeal be and the same is hereby allowed.

✓ It is further ordered that the amount of the Bond on Appeal be fixed by the Justice who signed the Citation.

Mch. 15/05 M. M. Trickey, Administrator of the Estate of Norman H. Chapin, deceased Appellant,

No. 791. vs.

George H. Crowe, Appellee

On motion of Mr. E. S. Ives, attorney for appellant herein, It is ordered that Mr. Frank H. Doan may appear in this cause for attorneys for appellee.

Comes now Mr. Frank H. Doan, for appellee herein, in open court, and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be and the same is hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed by the Justice who signs the Citation.

It is ordered that this court stand adjourned until tomorrow morning, March 16th, at 10 o'clock

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1905.
Territory of Arizona. } Phoenix, Arizona, Thursday, March 16. 1905.

Court opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
S. M. Cullum, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

Arthur J. Edwards, Administrator of the Estate of Edward O. Hayden, deceased,
Appellant,
vs.
Charles F. Simons, et al.,
Appellees.

No. 809.

It is ordered that the Motion that Christy & Lewis be added as counsel for appellant, filed herein, be submitted.

It is further ordered that the Motion for substitution of Jos. H. Crenshaw, as party defendant, filed herein, be submitted.

It is further ordered that the Motion for substitution of Julia A. Lount, as party defendant, filed herein, be submitted.

Arthur J. Edwards, Administrator of the Estate of Edward O. Hayden, deceased,
Appellant,
vs.
Charles F. Simons, et al.,
Appellees.

No. 809.

On motion of Mr. Walter Bennett, attorney for appellees herein, It is ordered that Mr. E. W. Lewis serve attorney for appellees with his brief on motions.

On motion of Mr Walter Bennett, It is ordered that he be granted 5 days in which to file reply to brief on Motions.

Wallapai Mining & Development Company, a corporation,
Appellant,
vs.
Territory of Arizona, at the Relation and to the use of Foster S. Jennie, Treasurer and Ex-Officio Tax Collector of Mohave County,
Appellee.

No. 885

On motion of Mr. Frank Cox for attorneys for Appellant, It is ordered that oral argument be granted in this cause, and cause set for hearing on April 1st, 1902.

Mch. 16-'05 It is ordered that this court stand adjourned until to-morrow morning, March 17th, at 10 o'clock A. M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1905.
Territory of Arizona. } Phoenix, Arizona, Friday, March 17th 1905.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis " "
S. M. Cullom, Clerk
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

The Committee appointed to examine Mr. Frank C. Reid as to his qualification to practice in this court, reported as follows:

To the Honorable Supreme Court:

We, your committee duly appointed for the purpose of examining Frank C. Reid touching his qualifications for admission to the bar, beg leave to report that we have given him a thorough examination touching his qualifications, and we find him possessed of a knowledge of legal principals and their application, of the rules of pleading and practice, of the rules of evidence, of the rules of construction, of the ethics of the profession of law; that he is possessed of more than a common school education, is of a reputation for truth, honor and moral character, and that he has lived in the territory for more than six months and intends to reside permanently in the territory and practice the profession of law therein.

We, therefore, recommend to your Honorable court that he be admitted to practice as an attorney of civil court.

Nebeker Street,
Walter Bennett,
E. N. Lewis,
Committee on examination.

The Committee appointed to examine Mr. Frank C. Reid as to his qualifications to practice law in this court, reporting favorably it is ordered that he be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath,

Thereupon, in open court, Mr. Reid took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

Martin Duggeln,
Petitioner,

vs.

No. 901. ✓

Henry F. Ashurst, as District Attorney of the County of Coconino, Territory of Arizona,
Respondent.

This cause coming on for hearing, was ordered continued until March 30th, 1905.

It is ordered that this court stand adjourned until Thursday, March 30th, 1905 at 11 o'clock A. M.

Ewan Kent Chief Justice.

In the Supreme Court of the Territory of Arizona.

In the Matter of the Division of the Territory of Arizona into Five Judicial Districts and the designation of the Seats of Court and the Justices to preside therein. } In Chambers.

Pursuant to the power and authority conferred upon me by the Act of Congress approved March 3d, 1905 and entitled, "An Act to provide for an additional Associate Justice of the Supreme Court of Arizona and for other purposes" and in compliance with the direction in said Act contained it is

Ordered. That the Territory of Arizona be and the same hereby is divided into Five Judicial Districts. Each District shall be composed of the several counties of the Territory hereinafter specified, to-wit:

The First District shall be composed of the counties of Pima and Yuma.

The Second District shall be composed of the counties of Cochise and Santa Cruz.

The Third District shall be composed of the counties of Maricopa and Pinal.

The Fourth District shall be composed of the counties of Yavapai, Mohave, Coconino, Navajo and Apache.

The Fifth District shall be composed of the counties of Graham and Gila.

An additional associate Justice of this Court having been appointed, pursuant to the terms of said Act of Congress it is further

Ordered that the Chief Justice and the Associate Justices be and they hereby are designated and assigned to preside in said Districts respectively according to the following assignment, to-wit:

For the First District, John H. Campbell, Associate Justice.
For the Second District, Fletcher M. Doan, Associate Justice.
For the Third District, Edward Kent, Chief Justice.
For the Fourth District, Richard E. Sloan, Associate Justice.
For the Fifth District, Geo. R. Davis, Associate Justice.

Pursuant to said Act of Congress it is further

Ordered:

That the Salaries for holding the several

District Courts in the exercise of the same jurisdiction as that of the Circuit and District Courts of the United States, be and the same hereby are fixed as follows, to-wit:

In the First District at Tucson, in the County of Pima.
In the Second District at Tombstone, in the County of Cochise.
In the Third District, at Phoenix, in the County of Maricopa.
In the Fourth District, at Prescott, in the County of Yavapai.
In the Fifth District, at Solomonville, in the County of Graham.

Second- The times for holding the said District Courts and for holding the Courts in the respective counties in each Judicial District in the exercise of the authority conferred by section eighteen hundred and seventy four of the Revised Statutes of the United States are hereby fixed and terms of the said Courts shall be held in each year as follows, to-wit:

In the First Judicial District:

In the County of Pima on the Fourth Monday in April and on the Fourth Monday in October.

In the County of Yuma on the first Monday in April and on the first Monday in October.

In the Second Judicial District:

In the County of Cochise on the Fourth Monday in April and on the Fourth Monday in October.

In the County of Santa Cruz on the first Monday in April and on the first Monday in October.

In the Third Judicial District:

In the County of Maricopa in the year 1905 on the first Monday in April and on the Third Monday in October, and thereafter on the third Monday in April and the third Monday in October.

In the County of Pinal in the year 1905 on the first Monday in May and on the first Monday in October and thereafter on the first Monday in April and the first Monday in October.

In the Fourth Judicial District:

In the County of Yavapai on the first Monday in May and the Fifth Monday in November.

In the County of Mohave on the first Monday in April and the third Monday in October.

In the County of Coconino on the Second Monday in April and the third Monday in September.

Mch 22-'05 In the County of Navajo on the second Monday in October.

In the County of Apache on the first Monday in October.

In the Fifth Judicial District:

In the County of Graham on the first Monday in April and on the first Monday in October.

In the County of Gila on the first Monday in June and on the fourth Monday in November.

Dated March 22nd, 1905.

Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, Associate Justice.
Geo. R. Davis, Associate Justice.
John H. Campbell, Associate Justice.

Supreme Court } January Term, A. D. 1905.
Territory of Arizona. } Prescott, Arizona. Thursday March 30. 1905.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, " "
Geo. R. Davis, " "
John H. Campbell " "
E. M. Cullen, Clerk
M. H. Calderwood, Crier,
Dean Woodward, Bailiff.

The following business was transacted.

Honorable John H. Campbell appointed an Associate Justice of this Court under the provision of an Act of Congress, entitled an act "to provide for an additional Associate Justice of the Supreme Court of Arizona, and for other purposes" approved March 3. 1905, having heretofore duly qualified as such Associate Justice, took his seat upon the bench.

No. 190.

Jesus Gomez,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby undisturbed.

No. 180.

Territory of Arizona,
Appellant
vs.
J. M. H. Moore,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises: It is ordered that the appeal be and the same is hereby dismissed.

No. 185.

Frank Miller,
Appellant,
vs
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment by the District Court be and the same is hereby affirmed.

Mch. 30-'05

E. Encinas, alias Chappo,
Appellant,

No. 186 ✓

vs.

Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below be and the same is hereby affirmed.

United States of America,
Appellant,

No. 199 ✓

vs.

Sam Peppers,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below stand affirmed.

James Shorten,
Appellant,

No. 198. ✓

vs.

Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the court below be and the same is hereby affirmed.

The Southern Pacific Company,
a corporation,
Appellant,

No. 843. ✓ vs.

S. F. Fitchett,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be and the same is hereby reversed, and the cause remanded to the District Court for a new trial.

It is further ordered, adjudged and decreed that The Southern Pacific Company, Appellant herein, do have and recover of and from S. F. Fitchett, Appellee herein, its costs in this Court, taxed at Two Hundred Eighty and 80/100 ($280.80) Dollars.

Harry J. Bennett,
Appellant,

No. 862. ✓ vs.

W. F. Nichols, Alfred S. Doran,
George A. Olney, Frank H. Parker,
and Fred W. Nelson, constituting
the Board of Equalization of
the Territory of Arizona,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Harry J. Bennett, Appellant herein, and The United States Fidelity and Guaranty Company, surety on Appeal Bond, their costs in this Court taxed at Eight and 25/100 ($8.25) Dollars, and their costs in the court below in the cause incurred.

Mch. 30-'05

No. 884 V

Waldo Beam,
Appellant,
vs.
James U. Parks, Sam Roberts, Edgar Seevers, Reuben Bingham, and George Young,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court, be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Waldo Beam, Appellant herein, their costs in this cont taxed at dollars, and their costs in the court below in this cause incurred.

No. 869 V

John Hoopes, Jr.,
Appellant,
vs.
Geo. D. Brien,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, It is ordered that the judgment of the court below be and the same is hereby, reversed, and the cause remanded to the District Court for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from Geo. D. Brien, Appellee herein, his costs in this Court, taxed at twenty-eight and 80/100 ($28.80) dollars.

No. 854. ✓

J. E. McCoy,
Appellant,
vs.
J. J. Brooks,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from J. E. McCoy, Appellant herein, and Jake Marks and P. L. Kastner, sureties on Appeal Bond herein, his costs in this court, taxed at thirty ($30.00) dollars, and his costs in the court below in this cause incurred.

No. 177. ✓

Charles De Leon,
Appellant,
vs
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

No. 182. ✓

Martin Ubiles indicted as Francisco Garcia,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised

Feb. 30-25 in the premises: It is ordered that the judgment of the District Court be and the cause is hereby affirmed.

Rito Ramirez, Appellant,
vs.
No. 183. The Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the cause is hereby reversed, and the defendant discharged, and that judgment be docketed in the lower court in accordance therewith.

William Davis, Appellant,
vs.
No. 193. Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the cause and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the cause is hereby affirmed.

Jesse Thomas, Appellant,
vs.
No. 196. The Territory of Arizona, Respondent.

This cause coming on to be heard upon the transcript

and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby reversed, and the cause remanded.

No. 220. ✓

Fred Hicklin,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

No. 853. ✓

National Metal Company,
a corporation,
Plaintiff in Error,
vs.
The Green Consolidated Copper
Company, a corporation, and
Cananea Consolidated Copper
Company, Limited, Mexicans,
Defendants in Error.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that Defendants in Error Lincoln do have and recover of and from the National Metal Company, Plaintiff in Error and the United States Fidelity and Guaranty Company, sureties on said Bond, their costs herein taxed at Forty-seven and 35/100 ($47.35) Dollars, together with their costs in the case herein incurred.

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Francisco Maguda and
Dionicio Jurado,
Appellants,

No. 187.

-vs-

Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

Ramon Moreno,
Appellant,

No. 188.

vs

Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

Erik Thorgquist,
Appellant,

No. 191.

-vs-

Territory of Arizona,
Respondent.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

No. 197. ✓

James M. Gould,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby affirmed.

No. 194. ✓

Jack Booth,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

No. 845 ✓

United States of America,
Appellant,
vs.
William H. Meade, Casper Taylor, Lewis H. Bliss, Ben Goodrich, and John H. Slaughter,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the Court below be and the same is hereby affirmed.

J. J.

No. 856. Ben K. Butterfield and Walter Brickner, Appellants, vs. The Nogales Copper Company, a corporation, The Cerro Prieto Mining Company, a corporation, J.A. Grant, H.F. Chenoweth, L.N. Chenoworth, R.N. McPherson, and Manuel M. Maldonado, Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having compiled the record and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby reversed, and the cause remanded for further proceedings in conformance with the opinion rendered herein.

It is further ordered, adjudged and decreed that the appellants herein do have and recover and from The Nogales Copper Company, a corporation, The Cerro Prieto Mining Company, a corporation, J.A. Grant, H.F. Chenoweth, L.N. Chenoworth, R.N. McPherson and Manuel M. Maldonado, Appellees herein, their costs in this court taxed at forty-six and 25/100 ($46.25) dollars.

No. 857. Gila Valley, Globe & Northern Railway Company, Appellant, vs. A.G. Kyle, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having compiled the record and being fully advised in the premises:

It is ordered that the judgment of the lower Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover and from the Gila Valley, Globe & Northern Railway Company, a corporation, the sum of Three Hundred and Fifty ($350.00) Dollars, together with the costs

amount of judgment entered in the district court,
Bond, the sum of Five Thousand dollars, ($5,000.) with legal rate of interest thereon from date of rendition of said judgment, together with her costs in this court taxed at Two-hundred sixty-two and 5/100 ($262.05) dollars, and her costs in the lower court in this cause incurred.

Costs subsequent to Judgment $5.00

No. 864. ✓

Beauchamp H. Smith,
Plaintiff in Error,
vs.
William H. Stilwell,
Defendant in Error.

The Motion to Dismiss Writ of Error, filed herein by Defendant in Error, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be granted, and the Writ of Error be, and the same is hereby, dismissed.

It is further ordered, adjudged and decreed, that the Defendant in Error herein, do have and recover of and from Beauchamp H. Smith, Plaintiff in Error herein, and the United States Fidelity and Guaranty Company, a corporation, surety on Writ of Error Bond, herein, his costs in this cause, taxed at Twenty-two ($22.00) dollars.

No. 865. ✓

Beauchamp H. Smith,
Plaintiff in Error,
vs.
William H. Stilwell,
Defendant in Error.

The Motion to Dismiss Writ of Error, filed herein by Defendant in Error, having been heretofore submitted and by the Court taken under consideration and the

Mch. 30-'05 Court having considered the cause and being fully advised in the premises: It is ordered that said motion be granted, and the Writ of Error be, and the cause is hereby dismissed.

It is further ordered, adjudged and decreed that the Defendant in Error herein, do have and recover of and from Beauchamp H. Smith, Plaintiff in Error herein, and The United States Fidelity and Guaranty Company, a corporation, surety on Writ of Error Bond, herein, his costs in this Cause, taxed at thirty four and 25/100 ($34.25) dollars.

Beauchamp H. Smith,
Plaintiff in Error,

No. 866 vs.

The King of Arizona Mining and Milling Company, The King of Arizona Company, Epis Randolph, Eugene S. Ives, Hiram W. Blaisdell, and John H. Martin,
Defendants in Error.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Defendants in Error, herein, do have and recover of and from Beauchamp H. Smith, Plaintiff in Error herein, and The United States Fidelity and Guaranty Company, a corporation, surety on Writ of Error Bond, their costs in this court, taxed at One Hundred Forty-three ($143.00) dollars, and their costs in the Court below in this cause incurred.

No. 867.

Herman D. Keppler, Ignacio O. Campbell, Alberto Monguia and Thomas F. Davis, Appellants,

vs.

Paul Becker, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from Herman D. Keppler, Ignacio O. Campbell, Alberto Monguia and Thomas F. Davis, Appellants herein, and W. A. Hamilton and R. C. Hebeler, sureties on Appeal Bond his costs in this court, taxed at thirty-four and 35/100 ($34.35) dollars, and his costs in the Court below in this cause incurred.

No. 883.

John Lacey, Appellant,

vs.

James V. Parks and W. E. Spaw, Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby reversed and remanded with instructions to the District Court to enter judgment for the plaintiff.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from James V. Parks and W. E. Spaw, Appellees herein, his costs in this court, taxed at eighty-two ($82.50) dollars, together with his costs and the court below in this cause incurred.

Feb 22-20 — The Mayo Cache-Rowe Mines Company, a corporation, Appellant,

No. 886. — vs. — Albert Steinfeld, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the lower court be and the same is hereby reversed and the cause remanded for a new tridl.

It is further ordered, adjudged and decreed that the Appellant herein, do have and recover of and from Albert Steinfeld, Appellee herein its costs in this court taxed at

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Albert Steinfeld, Appellant,

No. 888. — vs. — M M. Montijo, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises;

It is ordered that the judgment of the Court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Albert Steinfeld, Appellant herein, and Hugo J. Dosch and R. K. Shelton, sureties on Appeal Bond herein, his costs in this court, taxed at twenty-five ($25.00) dollars, and his costs in the Court Below in this cause incurred.

No. 890. M. J. Brown, Appellant, vs. F. H. Braun and L. N. Brunswick, co-partners, doing business under the firm name and style of F. H. Braun & Co., Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that this cause be and the same is hereby remanded to the District Court with instructions to dismiss the action.

It is further ordered, adjudged and decreed, that the Appellant herein, do have and recover of and from the Appellees herein, his costs in this court, taxed at forty-seven and 80/100 ($47.80) dollars, together with his costs in the court below.

No. 896. Martin Costello, Appellant, vs. C. F. Graham and P. L. Benton, Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the court below be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Martin Costello, Appellant herein, and F. C. Brandt and C. C. Farrell, sureties on Appeal and herein, their costs in this Court taxed at sixty-three and 95/100 ($63.95) together with their costs in the Court below in the cause incurred, taxed at sixty-one and 90/100 ($61.90) dollars, and that mandate issue to the District Court in accordance herewith.

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No. 184.

Charles H. Davis,
Appellant,
vs.
The Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

No. 189.

E. Figueroa,
Appellant,
vs.
The Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

No. 192.

Bert Noftz,
Appellant,
vs.
The Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

Albert Cole,
Appellant,
vs.
No. 195 ✓ The Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

W. I. Armstrong,
Appellant,
vs.
No. 201. ✓ The Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby reversed, and the defendant ordered discharged from custody, or his bail exonerated, if admitted to bail.

Jerry Shuchy,
Appellant,
vs.
No. 219. ✓ The Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

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C. F. Ainsworth and J. H. Beal,
intervenors,
Appellants,

No. 868.

vs.

John M. Evans and Jennie E. Evans,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from C. F. Ainsworth and J. H. Beal, Appellants herein, and The United States Fidelity and Guaranty Company, surety on Appeal Bond, their costs in this Court taxed at twenty nine and 70/100 ($29.70) dollars, and their costs in the Court below in this cause incurred.

O. K. Franklin, Administrator of
Jerry Neville, deceased,
Appellant,

No. 871.

vs.

M. McTicker, Administrator of
N. H. Chapin, deceased,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby reversed, and the case remanded to that Court for further proceedings.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from the Appellee herein, his costs in this cause, taxed at Seventy ($70.00) dollars.

No. 872. ✓

John O. Seare,
Appellant,
vs.
N. L. Griffin,
Appellee.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgement of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from John O. Seare, Appellant herein, and A. H. Mitchell and D. L. Booker, as sureties, his costs in this court taxed at dollars, and his costs in the court below in this cause incurred.

No. 879. ✓

Frances Cunningham,
Appellant,
vs.
Frank V. Moreno, Frank Yajule, Perry Wildman, and Ed Roberts,
Appellees.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Frances Cunningham, Appellant herein, their costs in this court taxed at Fourteen and 75/100 ($14.75) dollars, and their costs in the court below in this cause incurred.

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No. 882. ✓

United States of America,
Appellant,
-vs-
Albert J. Griswold & C. N. Mix, Edward Eckhardt, Thos. Gobler, and Fred Herrera,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby reversed, and judgment entered in this Court in favor of the United States and against the Appellees, for the sum of One thousand Nine hundred sixty-three ($1963.) dollars, with interest at the rate of six per cent. per annum from March 21, 1900, together with its costs in this court, taxed at One hundred sixteen and 20/100 ($116.20) dollars, and its costs in the Court below in this cause incurred.

No. 894. ✓

Aztec Land and Cattle Company, Limited, a corporation,
Appellant,
-vs-
The County of Navajo,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from the Aztec Land and Cattle Company, Appellant herein, and Thos. E. Pollock and George Babbitt, sureties on Appeal Bond herein, its costs in this court, taxed at twenty-one and 75/100 ($21.75) dollars, together with its costs in the court below in this cause incurred, taxed at sixteen ($16.00) dollars.

Charles Cunningham, and Horace Mann,
Appellants,

No. 895. ✓ vs.

Jacob Tinning, Robert Hutchinson,
William Aylward and John Aylward,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the District Court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellees herein, do have and recover of and from Charles Cunningham and Horace Mann, Appellants herein, and Jakob Schmid and John L. Gorton, sureties on Appeal Bond herein, their costs in this cont, taxed at twenty ($20.00) dollars, and their costs in the Court below in this cause incurred.

In the Matter of the Application
of The New York Foundling Hospital,
No. 209. ✓ a corporation, for a Writ of
Habeas Corpus.
John C. Gatti, Respondent.

On motion of Mr. Walter Bennett, It is ordered that he be granted permission to submit Statement of Facts.

Martin Bruggler,
Petitioner,

No. 901 ✓ vs.

Henry F. Schmidt, as District
Attorney of the County of
Cook, and State of Illinois,
Respondent.

On motion of Mr. H. G. Hutchinson for Mr. G. Tuttle, attorney for Petitioner, leave is granted petitioner to file his petition for writ of habeas corpus herein.

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On motion of Mr. F.G. Harris, It is ordered that Mr. William Paul Geary, who holds a certificate from the Superior Court of the State of Massachusetts, be admitted to practice in this Court, upon signing the Roll of Attorneys and taking the usual oath,

Whereupon - in open Court, Mr. Geary took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

It is ordered that this Court stand adjourned until tomorrow morning, March 31st, at 10 o'clock.

Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Friday March 31, 1905.
Court opened at 10 o'clock A.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Geo. R. Davis, " "
" John H. Campbell " "
D. M. Custon, Clerk
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.
The following business was transacted.

No. 880. ✓

James R. Thorpe, Appellant,
vs.
F. M. Clanton, et al., Appellees.

It is ordered that the Motion to Correct the Judgment, filed herein by Appellant, be and the same is hereby submitted.

It is ordered that this court stand adjourned until to-morrow, Saturday April 1st, at 10 o'clock A.M.

Edward Kent Chief Justice.

Apr. 1-05

Supreme Court, } January Term, A. D. 1905.
Territory of Arizona. } Phoenix, Arizona, Saturday April 1st 1905.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent; Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
E. M. Cutlom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted.

The Court read the Commission of Hon. Eugene A. Fucker, appointed Associate Justice of this Court in the place and stead of Hon. Geo. R. Davis, resigned, and thereupon the oath of office was administered to him by the Court, and the Commission and Oath ordered spread upon the minutes of the Court, and Mr Justice Fucker took his seat upon the Bench.

Theodore Roosevelt,
President of the United States of America,
To all who shall see these Presents, Greeting:

Know Ye; That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Eugene A. Fucker, of Nebraska, I have commissioned, and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to have and to Hold the said Office with all the powers, privileges and emoluments to the same of right appertaining, unto him, the said Eugene A. Fucker, for the term of four years commencing April 1, 1905, subject to the provisions of Law.

In testimony whereof, I have caused these Letters to be made Patent and the seal of the Department of Justice to be hereunto affixed.

(Seal)

Given under my hand at the City of Washington, the fourteenth day of February, in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States of America the one hundred and twenty-ninth.

Theodore Roosevelt.

By the President:
William H. Moody.
Attorney General.

Oath of Office for United States Judges.

I, Eugene A. Tucker, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of Arizona, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic: that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So Help Me God.

Eugene A. Tucker.

Subscribed and sworn to before me, this first day of April, 1905.

Edward Kent,
Chief Justice of the Supreme Court
of Arizona.

Order fixing time for holding the District Court in the Fifth Judicial District, Territory of Arizona.

It is Hereby Ordered that the place for holding the District Court in the Fifth Judicial District in the exercise of the same jurisdiction as that of the Circuit and District Courts of the United States, and the same is hereby fixed at Globe, in the County of Gila, and

Apr. 1-'05

It is further Ordered that Eugene A. Tucker be and he hereby is designated and assigned to preside in the Fifth Judicial District in the place and stead of Geo. A. Davis, resigned.

Dated Phoenix, April 1st, 1905

Edward Kent, C.J.
Richard E. Sloan, A.J.
Fletcher M. Doan, A.J.
John H. Campbell, A.J.
Eugene A. Tucker, A.J.

No. 880.

James R. Thorpe,
Appellant,
vs.
T. H. Clanton, et al.,
Appellees.

The Motion filed herein by Appellant, to correct the judgment entered herein on the 10th day of January, 1905, having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises;

It is ordered that said Motion be granted to the extent of amending the Judgment by striking therefrom the provision granting the costs of the lower court; the Judgment standes granting the costs of this Court as formerly rendered.

No. 858.

Santa Fe, Prescott & Phoenix Railway Co.,
Appellant,
vs.
George S. Ford,
Appellee.

It is ordered that this cause be re-submitted on briefs.

No. 860. ✓

George A. Treadwell and F. C. Beckwith,
Appellants,
vs.
George O. Mann,
Appellee.

It is ordered that this cause be re-submitted on Briefs.

No. 861. ✓

Jesse Hoyt Smith,
Appellant,
-vs-
William J. Raicny, et al.,
Appellees.

It is ordered by the Court that this cause be re-submitted on Briefs.

No. 863. ✓

A. L. Henshaw, et al.,
Appellants,
-vs-
The Salt River Valley Canal Company, a corporation, et al.,
Appellees.

It is ordered by the Court that this cause be re-submitted on Briefs.

No. 870 ✓

George H. Schurman, et al.,
as the Supervisors of Yavapai County,
Appellants,
vs.
The Territory of Arizona, upon relation of E. S. Clark, as District Attorney of Yavapai County, in said Territory,
Appellee.

It is ordered by the Court that this cause be re-submitted on Briefs.

April 1-'05

No. 873.

Adolf Bail,
Appellant,
vs.
Francis M. Hartman, as Trustee in Bankruptcy of the Co-partnership Firm of Ben Hook and Donovan, Bankrupts,
Appellee.

It is ordered by the Court that this cause be submitted on Briefs.

No. 874.

David Sandenberg and Moses H. Sherman,
Appellants,
vs.
John M. Ward,
Appellee.

It is ordered by the Court that this cause be resubmitted on Briefs.

No. 877.

The Valley Bank of Phoenix,
Appellant,
vs.
Elizabeth E. Brown,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 892.

Henry P. Ewing, et al.,
Appellants,
vs.
United States of America,
Appellee.

It is ordered that this cause be resubmitted on Briefs.

No. 900 ✓

The Territory of Arizona, at the relation and to the use of Thomas Devine, Treasurer and Ex-Officio Tax Collector of Cochise County, Arizona,

Appellant,

-vs-

Edward E. Perrin,

Appellee.

On motion of Mr. Walter Bennett, It is ordered that this cause be submitted on briefs.

No. 870. ✓

George H. Schurman, et al., as the Supervisors of Yavapai County,

Appellants,

-vs-

The Territory of Arizona, upon relation of E.S. Clark, as District Attorney of Yavapai County, in said Territory,

Appellee.

On motion of Mr. E.S. Clark, It is ordered that Appellee be granted 30 days in which to file supplemental brief.

No. 903. ✓

The Territory of Arizona,

Plaintiff

-vs-

E.L. Vail, Phil S. Hughes, and C.F. Richardson, as Supervisors of Pima County, Arizona,

Defendants.

On motion of Mr. E.S. Clark, attorney for Plaintiff herein, It is ordered that this cause be submitted.

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Apr. 1- '05

No. 885-A

Wallapai Mining & Development Company, a corporation,

Appellant,

vs.

Territory of Arizona, at the Relation and to Use of Foster S. Dennis, Treasurer and Ex-Officio Tax Collector of Mohave County,

Appellee.

This cause coming on for hearing was argued by Mr. Lyon Zeim for Appellant, and cause ordered submitted.

The Territory of Arizona,

Plaintiff,

No. 903-A

vs.

E. L. Jail, et al., as Supervisors of Pima County, Arizona,

Defendants.

In this cause it is ordered that the Clerk of this Court issue Writ, returnable May 25- 1905.

On motion of Mr. C. F. Ainsworth, it is ordered that Mr. George A. Davis, who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this Court, upon signing the Roll of Attorneys and taking the usual oath.

Whereupon - in open court - Mr. Davis took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

It is ordered that this Court stand adjourned until Thursday, May 25th, 1905 at 10 o'clock A.M.

Attest Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Precinct, Arizona. Thursday May 25, 1905.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" John H. Campbell, " "
" Eugene A. Tucker, " "
S. M. Cullom, Clerk.
M. H. Calderwood, Crier.
Dean Woodward, Bailiff.

The following business was transacted:

On motion of Mr. T. J. Norton, It is ordered that Mr. D. P. Burke, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this Court, upon signing the Roll of Attorneys and taking the usual oath.

Thereupon - in open court, Mr. Burke took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. H. L. Pickett, It is ordered that Mr. Daniel McFarland, who holds a certificate from the Supreme Court of the State of Illinois, be admitted to practice in this Court, upon signing the Roll of Attorneys and taking the usual oath.

Thereupon, in open court, Mr. McFarland took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

Comes now Mr. H. J. Kingsbury, and moves that Mr. Henry H. Rose be admitted to practice in this court, and that a committee be appointed to conduct examination.

May 25- '05 On motion of Mr. John H. Wright, It is ordered that Mr. William E. Parker, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon - in open court, Mr. Parker took the Constitutional Oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. John H. Wright, It is ordered that Mr. Sam. L. Kingan, who holds a certificate from the Supreme Court of the State of Colorado, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon - in open court, Mr. Kingan took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

Comes now Mr. John H. Wright, and moves that Mr. Benton Dick be admitted to practice in this Court, and that a committee be appointed to conduct examination.

G. H. Booth,
Appellant,
vs.
No. 1944. Territory of Arizona,
Respondent.
} Error. see page 362.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, be submitted.

Frank Miller,
Appellant,
No. 1855. vs.
Territory of Arizona,
Respondent.
} It is ordered that the Motion for Re-hearing

Filed Herein By Appellant, Re submitted.

No. 187. ✓

Francisco Maxwell and
Narcisco Jurado,
Appellants

vs.

Territory of Arizona,
Respondents.

It is ordered that the Motion for Re-hearing, filed Herein By Appellant, Be submitted.

No. 845 ✓

United States of America,
Appellant,

vs.

William H. Meade, et al.,
Appellees.

It is ordered that the Motion for Re-hearing, filed Herein By Appellant, Be submitted

No. 853. ✓

National Metal Company,
Plaintiff in Error,

vs.

Green Consolidated Copper
Company, et al.,
Defendants in Error.

It is ordered that the Motion for Re-hearing, filed Herein By Plaintiff in Error, Be submitted.

No. 857. ✓

Gila Valley Globe & Northern
Railway Company,
Appellant,

vs.

A. J. Lyon,
Appellee.

It is ordered that the Motion for Re-hearing, filed Herein By Appellant, Be submitted.

May 25-05

No. 867 ✓

Herman D. Kapplin, et al.,
Appellants,
vs.
Paul Becker,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

Keystone Copper and Gold Mining Company, a corporation,
Plaintiff,
C. F. Ainsworth and J. H. Bent
Intervenors on behalf of plaintiff,
Appellants,

No. 868 ✓

vs.

John M. Evans and Jennie E. Evans,
His wife,
Respondents.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

Harry J. Bennett,
Appellant,

No. 862 ✓

vs.

W. F. Nichols, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

The Meyer Clark-Rose Mines Company, a corporation,
Appellant,

No. 886 ✓

vs.

Albert Steinfeld,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 872. ✓

J. C. Deere,
Appellant,
vs.
N. L. Griffin,
Appellee.

It is ordered that the motion for Re-hearing, filed herein by Appellant, be submitted.

No. 909. ✓

John Wix Thomas,
Appellant,
vs.
Mary J. Hickey, et al.,
Appellees.

It is ordered that the Motion to Strike Bill of Exceptions, Motion to Strike Extension of Reporter's Notes from the files, and Motion to Dismiss the Appeal, filed herein by Appellees, be submitted.

No. 914. ✓

Frank Powers and Joachim Covert,
Appellants,
vs.
Worldo Fair Mining Company,
Appellee.

It is ordered that the Motion to vacate order staying execution, be submitted.

No. 914. ✓

J. H. Booth,
Appellant,
vs.
Territory of Arizona,
Respondent.

Comes now Mr. E. J. Edwards, attorney for appellant herein, and moves the Court that he be granted twenty minutes for argument on motion for re-hearing said cause. Motion under consideration.

May 25-'05

No. 904.

M. D. Scribner,
Appellant,
vs.
William N. Meade,
Appellee.

On motion of John H. Wright, Esq., attorney for Appellee herein, it is ordered that he be granted twenty days in which to file reply brief.

No. 899.

California Development Company,
Appellant,
vs.
Yuma Valley Union Land and Water Company,
Appellee.

On motion of Mr. E. H. Lewis for attorney for Appellee, it is ordered that this cause be submitted on briefs.

No. 908.

Phoenix Water Company,
a corporation,
Appellant,
vs.
The Common Council of the City of Phoenix,
Appellee.

On motion of Mr. C. F. Ainsworth, attorney for Appellant herein, it is ordered that he be granted until July 1st, 1905, in which to file brief.

No. 901.

Martin Bruggeln,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of the County of Cochise, Territory of Arizona,
Respondent.

It is ordered that this cause be set for hearing

at two o'clock this afternoon.

It is ordered that this court take a recess until two o'clock this afternoon.

Court re-convened at two o'clock.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, "
" John H. Campbell "
" Eugene A. Tucker "
and the Clerk.
The following business was transacted:

Comes now Mr. John H. Wright, and moves that Mr. Sol. Drachman be admitted to practice in this Court, and that a committee be appointed to conduct examination.

Comes now Mr. J. C. Phillips, and moves that Mrs Anna J. Whitcomb be admitted to practice in this Court, and that a committee be appointed to conduct examination.

The Court appointed Mr. Robt. E. Morrison, Mr. C. F. Ainsworth, and Mr. E. H. Lewis a committee to examine Mr. Henry H. Rowe, Mr. Benton Dick, Mr. Sol. B. Drachman and Mrs. Anna J. Whitcomb, as to their qualifications to practice in this court.

The Territory of Arizona,
Plaintiff,
vs.
No. 903 ✓
E. L. Vail, Phil S. Hughes, and C. F. Richardson, as Supervisors of Pima County, Arizona,
Defendants.

On motion of Attorney General, E. S. Clark,
It is ordered that this cause be heard at this sitting

May 25-05 of the Court.

On motion of Attorney General, it is further ordered that each side be granted thirty minutes for argument in this cause.

This cause now coming on for hearing was argued by Attorney General E.S. Clark for Plaintiff and by Mr. John B. Wright for Defendants and cause ordered submitted.

No. 901.

Martin Buggeln,
Petitioner,
vs.
Henry F. Ashurst as District Attorney of the County of Cochise, Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by Mr. F.J. Norton for Petitioner and Mr. Edward M. Doe for Respondent, and cause ordered continued.

No. 912.

R.J. Grey,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of the County of Cochise, Territory of Arizona,
Respondent.

This cause coming on for hearing was argued by Mr. F.J. Norton, for Petitioner and Mr. Edward M. Doe for Respondent, and cause ordered continued.

It is ordered that this court stand adjourned until to-morrow, May 26th at 10 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1905.
Territory of Arizona. } Phoenix, Arizona. Friday May 26- 1905

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Eugene A. Tucker " "
S. M. Cullom, Clerk.
M. H. Calderwood, Crier,
Bailiff.

The following business was transacted.

No. 185 ✓ Frank Miller,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 187 ✓ Francisco Mapula and
Discricio Jurado,
Appellants,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing, filed herein by Appellants, and heretofore submitted, be and the same is hereby, denied.

No. 845 ✓ United States of America,
Appellant,
vs.
William H. Meade, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted,

May 26-05 — It is ordered that the same is hereby denied.

No. 853.

National Metal Company,
Plaintiff in Error,
vs.
Greene Consolidated Copper Company, et al.,
Defendants in Error.

It is ordered that the Motion for Re-hearing, filed herein by Plaintiff in Error, and heretofore submitted, be and the same is hereby, denied.

No. 867.

Hermann D. Keppler, et al.,
Appellants,
vs.
Paul Becker,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby, denied.

No. 868.

Keystone Copper and Gold Mining Company, a corporation,
Plaintiff,
C. F. Ainsworth and J. H. Deal, Intervenors on behalf of plaintiff,
Appellants,
vs.
John M. Evans and Jennie E. Evans, his wife,
Respondents.

In this cause it is ordered that the Motion for Re-hearing filed herein by Appellants, and heretofore submitted, be and the same is hereby, denied.

No. 872. ✓

J. P. Scorr,
Appellant.
vs.
N. L. Griffin,
Appellee.

In this cause it is ordered that the Motion for Re-hearing filed herein by Appellant, be further considered.

No. 886 ✓

The Meyer-Clark-Rowe Mines Company, a corporation,
Appellants,
vs.
Albert Steinfeld,
Appellee.

In this cause it is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted be and the same is hereby granted.

✓ It is further ordered that this cause be heard at the next session of this court.

No. 914. ✓

Frank Powers and Josephine Powers,
Appellants,
vs.
Worlds Fair Mining Company, a corporation,
Appellee.

The Motion to vacate order staying execution against the First National Bank of Nogales, filed herein by Appellants, having been heretofore submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that said Motion be granted, and the order made by the District Court of the Second Judicial District of the Territory of Arizona in and for the County of Santa Cruz, on the 22nd day of April, A.D., 1905, be and the same is hereby vacated and set aside.

May 26-'05

No. 903.

The Territory of Arizona,
Plaintiff,
vs.
E. L. Vail, et al,
Defendants.

In this cause it is ordered that Defendants demurrer be and the same is hereby, overruled.

No. 194.

J. H. Booth,
Appellant,
vs.
Territory of Arizona,
Respondent.

It is ordered that the motion for oral argument heretofore submitted be and the same is hereby, granted, and twenty minutes for argument granted.

No. 862.

Harry J. Bennett,
Appellant,
vs.
W. F. Nichols, et al,
Appellees

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted be and the same is hereby, denied.

No. 909.

John Wix Thomas,
Appellant,
vs.
Mary J. Hickey, W. H. Langhran, and Jennie Langhran, his wife,
Appellees.

The Motion to Dismiss the Appeal herein, filed by Appellees, having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises;

It is ordered that said motion be granted

and the appeal be and the same is hereby, dismissed.

It is further ordered, adjudged and decreed that the Appellees herein, W.H. Coughran and Jennie Coughran do have and recover of and from John Nick Thomas, Appellant herein, and the National Surety Company, surety on Appeal Bond, their costs in this cause, taxed at nineteen and 75/100 ($19.75) dollars.

No. 868.

Keystone Copper and Gold Mining Company, a corporation,
Plaintiff,
C.F. Ainsworth, and J.H. Beal Intervenors on behalf of plaintiff,
Appellants,
-vs-
John M. Evans and Jennie E. Evans, His wife,
Appellees.

Comes now Mr. C.F. Ainsworth for Appellants herein, in open court, and gives notice of Appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the Appeal be allowed.

It is ordered that said motion be granted, and the Appeal be and the same is hereby, allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One thousand ($1,000.) dollars.

No. 903.

The Territory of Arizona,
Plaintiff,
-vs-
E.L. Vail, et al.,
Defendants

On motion of Attorney General, E.S. Clark, it is ordered that Plaintiff have 20 days in which to file Amended Complaint.

On motion of Mr. John Wright, it is ordered

May 26-05 that Defendants have twenty days thereafter in which to file answer.

Herman D. Keppler, et al.,
Appellants,
No. 867 -vs-
Paul Becker,
Appellee.

Comes now Mr. E. J. Edwards, for Appellants herein, in open court, and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed

On motion of Mr. T. J. Norton, It is ordered that Mr. James F Kenealy, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon - in open Court - Mr Kenealy took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

The Territory of Arizona,
Plaintiff,
No. 903 -vs-
E. L. Vail, et al.,
Defendants.

On motion of Attorney General, E. S. Clark, It is ordered that he be allowed to withdraw papers in the case of Charles Edward Lewis vs. Pima County. No. 355. for use in this cause.

Martin Guggelu,
Petitioner,
vs.
No. 901. ✓
Henry F. Ashurst, as District Attorney of the County of Coconino, Territory of Arizona,
Respondent.

✓ This cause coming on for hearing, argument was resumed by Mr F.J. Norton for Petitioner and Mr. E. M. Doe for Respondent, and cause ordered submitted.

✓ It is ordered that Petitioner herein have 20 days in which to file brief and serve copy.

✓ It is further ordered that Respondent have 20 days thereafter to file his brief, and

✓ It is further ordered that Petitioner have 20 days after the filing of Respondent's brief in which to file reply brief.

R. J. Airey,
Petitioner,
vs.
No. 912. ✓
Henry F. Ashurst, as District Attorney of the County of Coconino, Territory of Arizona,
Respondent.

✓ This cause coming on for hearing, argument was resumed by Mr. F.J. Norton, for Petitioner and Mr. E. M. Doe for Respondent, and cause ordered submitted.

✓ It is ordered that Petitioner herein have 20 days in which to file brief, and serve copy.

✓ It is further ordered that Respondent have 20 days thereafter to file his brief, and

✓ It is further ordered that Petitioner have 20 days after the filing of Respondent's brief in which to file reply brief.

✓ On motion of Mr. E. M. Doe attorney for Respondent It is ordered that he be granted 30 days in which to file Answer.

May 26-'05 J. H. Booth,
Appellant,
No. 194 vs.
Territory of Arizona,
Respondent.

In this cause, oral argument on the Motion for Re-hearing filed herein, having been granted, said motion was argued by Mr. E. J. Edwards, for Appellant, and ordered submitted.

Court took a recess until 3 o'clock this afternoon.

Court re-convened at 3 o'clock.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Eugene A. Tucker " "
and the Clerk.

The following business was transacted:

J. C. Dare,
Appellant,
No. 872 vs.
N. L. Griffin,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, granted.

J. H. Booth,
Appellant,
No. 194 vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is hereby, denied.

No. 857. ✓

Gila Valley, Globe & Northern Railway Company,
Appellant,
vs.
A. J. Lyon,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, and heretofore submitted, be and the same is hereby denied.

No. 868. ✓

Keystone Copper and Gold Mining Company, a corporation,
Plaintiff,
C. F. Ainsworth and J. H. Beal, Intervenors on behalf of Plaintiff,
Appellants,
vs.
John M. Evans and Jennie E. Evans his wife,
Appellees.

It is ordered that the Appeal to the Supreme Court of the United States, heretofore granted herein, be stayed until affidavit of value is filed.

In the Matter of the Application of Benton Dick, Sol B. Drachman, Henry H. Rover, and Mrs. Anna J. Whitcomb.

Report of Committee.

To the Honorable Supreme Court -

We, your committee, duly appointed for the purpose of examining the above named parties, touching their qualifications for admission to the bar, beg leave to report that we have given them a thorough examination and we find the following persons to-wit, Benton Dick, Sol B. Drachman and Henry H. Rover, possessed of a knowledge of legal principles and their application, of the rules of pleading and practice, of the law of evidence, of the rules of construction, of the ethics of the profession of law; that they are possessed of a good common school education, have good

May 26-05 reputation for truth, honor and moral character and have each lived in the territory for more than six months and intend to reside permanently in the territory and practice the profession of law therein.

We, therefore, recommend to your honorable court that Denton Dick, Sol B. Drachman and Henry H. Rowe be admitted to practice as attorneys of said court.

We further recommend that the matter of the admission of Mrs Anna J. Whitcomb be postponed and further examination be had by a proper committee to be appointed at a future session of this court.

Robt. E. Morrison.
C. F. Ainsworth.
E. F. Lewis
Committee

On motion of Mr. G. P. Bullard, It is ordered that Mr. Lewis H. Kennedy, who holds a certificate from the Supreme Court of the State of Minnesota, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon in open court, Mr. Kennedy took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

The committee appointed to examine Mr. Denton Dick, Mr. Sol B. Drachman and Mr. Henry H. Rowe, touching their qualifications for admission to the bar, reported favorably: It is ordered that they be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon in open court, Mr. Dick, Mr. Drachman and Mr. Rowe took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

Salt River Valley Canal
Company, a corporation,
Appellant,

No. 915 ✓ vs.

Peter Nelsen,
Appellee.

✓ On motion of Mr. C. F. Ainsworth, It is ordered that he be granted permission to withdraw the record filed herein for the purpose of printing abstract of record.

✓ On motion of Mr. C. F. Ainsworth, It is ordered that he be granted until July 1st in which to file abstract of record

John C. Lane,
Appellant,

No. 872 ✓ vs.

N. L. Griffin,
Appellee.

The motion for Re-hearing filed herein by Appellant, having been granted, this cause came on for hearing, and was argued by Mr. Robt. E. Morrison for Appellant and Messrs. Herndon & Norris for Appellee, and cause ordered submitted.

It is ordered that this court stand adjourned until Wednesday, September 27th 1905 at 10 o'clock A. M.

Edward Kent Chief Justice.

Sept. 27-05 Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Wednesday. Sept. 27. 1905.

Court opened at 10 o'clock. A.M.

Present, Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Eugene A. Tucker " "
" D. M. Cullen, Clerk.
M. H. Calderwood, Crier.
L. Wolf, Bailiff.

The following business was transacted.

Gila Valley, Globe and Northern Railway Company, Appellant,
vs
No. 857. A. J. Lyon, Appellee.

In this cause, it is ordered that the motion to Remit Judgment, filed by Appellee, be and the same is hereby, submitted.

Salt River Valley Canal Company, a corporation, Appellant,
vs
No. 915. Peter Nelson, Appellee.

It is ordered that the motion to Strike from the files the Bill of Exceptions and to affirm the Judgment, filed herein by Appellee, be and the same is hereby, submitted.

No. 923. ✓

The Territory of Arizona,
Plaintiff;
vs.
D. G. Sinclair, et al., as Supervisors of Yavapai County, Arizona, and John A. Robinson, as Clerk of the Board of Supervisors of Yavapai County,
Defendants.

It is ordered that the motion to Quash Alternative Writ of Mandamus, filed herein by Defendants, be and the cause is hereby submitted.

No. 886. ✓

The Meyer-Clarke-Rowe Mining Company, a corporation,
Appellant,
vs.
Alfred Steinfeld,
Appellee.

It is by the Court Ordered that this cause be continued until the next regular term of court in January, 1906

✓ On motion of Mr. Webster Street, It is ordered that Mr. Scott J. B. Jamieson, who holds a certificate from the Supreme Court of the State of Minnesota, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court, Mr. Jamieson took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

Sept 27-'05

No. 925.

The Territory of Arizona,
Plaintiff,
vs.
E. L. Vail, C. F. Richardson, and Phil. S. Hughes, as Supervisors of Pima County, Arizona, and John Metz, as Clerk of the Board of Supervisors of Pima County,
Defendants.

Comes now Mr. E. S. Clark, attorney for Plaintiff herein, and moves the Court to dismiss this action. On consideration whereof, it is by the Court ordered that said motion be granted, and the cause be and the same is hereby dismissed.

It is Further Ordered, Adjudged and Decreed that the defendants herein do have and recover of and from The Territory of Arizona, plaintiff herein, all their costs in this cause expended, taxed at

The Territory of Arizona,
Plaintiff.
No. 923.
vs.
D. G. Sinclair, et al., as Supervisors of Yavapai County, Arizona, and John H. Robinson, as Clerk of the Board of Supervisors of Yavapai County,
Defendants.

It is ordered by the Court that this cause be continued until this afternoon.

Phoenix Water Company,
(a corporation)
Appellant,
No. 908.
vs.
The Common Council of the City of Phoenix,
Appellee.

On motion of Mr. Walter Bennett, attorney for Appellee herein, it is ordered that he be granted

leave to withdraw the brief filed in this cause on the 23rd day of August, 1905, and file in lieu thereof the brief now presented as of that date.

Court took a recess until 2 o'clock this afternoon.

Court re-convened at 2 o'clock.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Eugene A. Tucker, " "
and the Clerk.

The following Business was transacted.

Gila Valley, Globe and Northern Railway Company, Appellant,

No. 857. vs.

A. J. Lyon, Appellee.

In this cause, it is ordered that the Motion to Remit Judgment, filed by Appellee, and heretofore submitted, be and the same is hereby, denied.

The Territory of Arizona, Plaintiff.

No. 903. vs.

E. L. Vail, Phil S. Hughes and C. F. Richardson, as Supervisors of Pima County, Arizona, Defendants.

On motion of Mr. Kingan, attorney for Defendants herein, it is ordered that he be granted 60 days in which to file brief.

Sept 27-15 John MacPherson,
Appellant,
No. 921 ✓ vs.
B. Hatch,
Appellee.

✓ On motion of Mr. Kingan, attorney for appellee herein, it is ordered that he be granted 30 days in which to file additional brief; and

✓ It is further ordered that Appellant be granted 30 days thereafter in which to file reply brief.

✓ It is further ordered that the Clerk of this court notify attorney for Appellant of the order made herein.

The Territory of Arizona,
Plaintiff,
No. 923 ✓ vs.
D.G. Sinclair Fred Sattes and
B.H. Smith, as Supervisors of
Yavapai County, Arizona, and
John H. Robinson, as Clerk of the
Board of Supervisors of Yabapai
County,
Defendants

The Motion to Quash Alternative Writ of Mandamus, filed herein by Defendants, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is ordered that said Motion be granted and the alternative writ of mandamus be quashed and held for naught.

No. 924 ✓

The Territory of Arizona,
Plaintiff,
vs
John S. Kolar, John Mulligan and William Stevens, as Supervisors of Mohave County, Arizona, and Thomas McNeely, as Clerk of the Board of Supervisors of Mohave County,
Defendants.

By consent of attorneys for Plaintiff and Defendants herein, It is ordered that the ruling on the Motion to Quash Alternative Writ of Mandamus filed by attorney for Defendants in the case of The Territory of Arizona vs. D. G. Sinclair, et al, as Supervisors of Yavapai County, Arizona, and J. H. Robinson as Clerk of the Board of Supervisors of Yavapai County, No. 923, apply to this cause, and the Alternative Writ of Mandamus be quashed and held for naught.

No. 926 ✓

The Territory of Arizona,
Plaintiff,
vs.
Baylor Shannon, B. F. Billingsley and George A. Olney, as Supervisors of Graham County, Arizona, and George Carlton, as Clerk of the Board of Supervisors of Graham County,
Defendants.

By consent of attorneys for Plaintiff and Defendants herein, It is ordered that the ruling on the Motion to Quash Alternative Writ of Mandamus filed by attorney for Defendants in the case of The Territory of Arizona vs. D. G. Sinclair, et al, as Supervisors of Yavapai County, Arizona, and J. H. Robinson, as Clerk of the Board of Supervisors of Yavapai County, No. 923, apply to this cause, and the Alternative Writ of Mandamus be quashed and held for naught.

Nov. 17-'05. It is ordered that this Court stand adjourned until Friday, November 17th, 1905 at 10 o'clock A. M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Friday, November 17th 1905

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H Campbell " "

S. M. Cudom, Clerk.
M. H. Calderwood Crier.
L. Wolf, Bailiff.

The following business was transacted.

The Court read the Commission of Hon Frederick S. Nave, appointed Associate Justice of this Court in the place and stead of Hon. Eugene A. Tucker, resigned, and thereupon the oath of office was administered to him, by the Court, and the Commission and Oath ordered spread upon the minutes of the Court, and Mr. Justice Nave took his seat upon the bench.

Theodore Roosevelt,
President of the United States of America,
To all who shall see these Presents, Greeting:
Know Ye, That, reposing special trust and confidence in the Wisdom, Uprightness, and Learning of Frederick S. Nave, of Arizona, I do appoint him to be Associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfill the duties of that Office according to the Constitution and Laws of the said United States and to have and to hold the said Office, with all the powers, privileges, and emoluments to the same of right appertaining unto

him, the said Frederick S. Nave, until the end of the next session of the Senate of the United States, and no longer, subject to the provisions of Law.

In Testimony Whereof, I have caused these letters to be made Patent and the seal of the Department of Justice to be hereunto affixed.

Given under my hand, at the City of Washington, the Seventh day of November in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States of America the one hundred and thirtieth

By the President: Theodore Roosevelt.

207 (Seal) William H. Moody,
Attorney General.

Oath of Office for United States Judges.

I, Frederick S. Nave, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of Arizona, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter.
So Help me God.

Frederick S. Nave.

Subscribed and sworn to before me, this seventeenth day of November, 1905.

Edward Kent
Chief Justice of the Supreme Court of Arizona.

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Territory of Arizona, } ss.
County of Maricopa }

I, Frederick S. Nave, do solemnly swear that

Nov. 17-'05 I will support the Constitution of the United States and the laws of the Territory of Arizona; that I will bear faith and allegiance to the same, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of the office of Associate Justice of the Supreme Court of the Territory of Arizona, according to the best of my ability, So help me God.

Frederick S. Nave.

Subscribed and sworn to before me, this seventeenth day of November, 1905.

Edward Kent,
Chief Justice of the Supreme Court of Arizona.

1.05.

Oath of Office of Jos. L. B. Alexander, United States Attorney for Arizona.

United States of America, } ss.
Territory of Arizona. }

I, Joseph L. B. Alexander, do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, So Help Me God.

Joseph L. B. Alexander.

Subscribed and sworn to before me, this 17th day of November, A.D. 1905.

Edward Kent.
Chief Justice of the Territory of Arizona.

On motion of Mr. A.C. Baker, It is ordered that Mr. Eugene A. Tucker, who holds a certificate from the Supreme Court of the State of Nebraska, be admitted to practice in this Court, upon signing the Roll of Attorneys and taking the usual oath.

Thereupon, in open court, Mr. Tucker took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

Order designating Frederick S. Nave, Associate Justice, to preside in the Fifth Judicial District.

It is hereby ordered that Frederick S. Nave, Associate Justice, be and is hereby designated to preside in the Fifth Judicial District in the place and stead of Eugene A. Tucker, resigned.

Dated Phoenix, November 17th, 1905.

Edward Kent,
Chief Justice.
Richard E. Sloan,
Associate Justice
Fletcher M. Doan,
Associate Justice
John H. Campbell
Associate Justice
Frederick S. Nave,
Associate Justice.

United States of America,
Appellant,
vs
Albert J. Griswold, L.W. Mix, Edward Fitzmit, Theo. Gubler, and Fred Herrera,
Appellees.

No. 882. ✓

Comes now Mr. J. L.D. Alexander, United States Attorney, and moves the Court that the Remittitur heretofore issued, on the 2nd day of June, 1905, be recalled and the judgment rendered herein on the 30th day of March, 1905, be corrected.

Nov. 17. '05.
No. 882.

United States of America,
Appellant,
vs.
Albert J. Griswold, L. H. Mix, Edward Fitcomb, Thos. Gubler, and Fred Herrera,
Appellees.

The motion of Appellant herein to recall Remittitur and correct judgment, having been considered, and the Court being fully advised in the premises: It is ordered that said motion be granted, the Remittitur recalled, and the judgment rendered herein on the 30th day of March, A.D. 1905, be and the same is hereby corrected to read as follows:

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby, reversed, and judgment entered in this Court in favor of the United States and against the Appellees, for the sum of One thousand eight hundred and sixty-three ($1863.) dollars, with interest at the rate of six per cent. per annum from March 21, 1900, together with its costs in this court taxed at One hundred sixteen and 20/100 ($116.20) dollars, and its costs in the court below in this cause incurred.

No. 923.

The Territory of Arizona,
Plaintiff,
vs.
D. G. Sinclair, Fred Satter and J. H. Smith, as Supervisors of Yavapai County, Arizona, and John H. Robinson, as Clerk of the Board of Supervisors of Yavapai County,
Defendants.

On motion of Mr. E. S. Clark, attorney for Plaintiff herein, It is ordered that this cause be and the same is

hereby, dismissed.

No. 924.

The Territory of Arizona,
Plaintiff,
vs.
John D. Nolan, John Mulligan, and William Stevens, as Supervisors of Mohave County, Arizona, and Thomas McNeely, as Clerk of the Board of Supervisors of Mohave County,
Defendants.

On motion of Mr. E. S. Clark, attorney for plaintiff herein, It is ordered that this cause be and the same is hereby, dismissed.

No. 926.

The Territory of Arizona,
Plaintiff,
vs.
Baylor Shannon, O. F. Billingsley and George A. Olney, as Supervisors of Graham County, Arizona, and George Carlton, as Clerk of the Board of Supervisors of Graham County,
Defendants.

On motion of Mr. E. S. Clark, attorney for Plaintiff herein; It is ordered that this cause be and the same is hereby, dismissed.

Nov. 17-'05. In the Matter of the Application of the Copper Queen Consolidated Mining Company, a corporation, for a Writ of Certiorari

Applicant,

No. 927. against

The Territorial Board of Equalization of the Territory of Arizona composed of Wesley A. Hill, Chairman, and Thomas F. Wilson, Charles Bauman, Frank H. Baker, John X. Woods, and Charles F. Solomon,

Respondent.

This cause coming on for hearing was argued by Mr. E. S. Clark, for Respondent.

The time for adjournment having arrived, It is ordered that argument in this cause be continued until to-morrow.

It is ordered that this Court stand adjourned until to-morrow morning, November 18th, at 10 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1905.
Territory of Arizona. } Phoenix, Arizona. Saturday, November 18-1905.

Court opened at 10 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave. " "
S. M. Cullum, Clerk.
M. H. Calderwood, Crier,
L. Wolf, Bailiff.

The following business was transacted.

No. 915 ✓

Salt River Valley Canal Company,
a corporation,
Appellant,
vs.
Peter Nelson,
Appellee.

It is ordered that the Motion to Strike Bill of Exceptions and Affirm Judgment, filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

No. 877 ✓

The Valley Bank of Phoenix,
Appellant,
vs.
Elizabeth E. Brown,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises, It is ordered that the judgment of the Court below be and the same is hereby affirmed

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Valley Bank of Phoenix, Appellant herein, and the Pacific Surety Company, surety on Supersedeas Bond the sum of nine hundred and twenty dollars, ($920.) with interest thereon at the rate of ten per cent. (10%) per annum until paid from the 21st day of December, 1903, together with her costs in this Court taxed at twenty-seven and 10/100 dollars ($27.10) and her costs in the Court below in this cause incurred.

No. 900 ✓

The Territory of Arizona, at the relations and to the use of Thomas Dennis, Treasurer and Ex Officio Tax Collector, of Pinal County, Arizona,
Appellant,
vs.
Edward E. Perrin,
Appellee.

This cause having been heretofore submitted orally by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises, It is ordered that the judgment of the Court below be and

Nov. 18-'05 the same is hereby affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the appellant herein, his costs in this court taxed at twenty-three and 50/100 ($23.50) Dollars, together with his costs in the court below in this cause incurred.

No. 870. ✓

George H. Schneeman, et al as the Supervisors of Yavapai County, Appellants,

vs.

The Territory of Arizona, upon relation of E.S. Clark, his District Attorney of Yavapai County, in said Territory, Appellee.

It is ordered that the Motion to Strike Brief and to Dismiss the Cause filed herein by Appellants, be and the same is hereby submitted.

No. 870 ✓

George H. Schneeman, et al, as the Supervisors of Yavapai County, Appellants,

vs.

The Territory of Arizona, upon relation of E.S. Clark, his District Attorney of Yavapai County, in said Territory, Appellee.

In this cause it is ordered that the Motion to Strike Brief and Dismiss the Cause, filed by appellants, and submitted, be and the same is hereby denied.

It is further ordered that the appellee herein have 15 days in which to file supplemental Brief.

Albert Steinfeld, R. K. Shelton, Silver Bell Copper Company, a corporation, and Mammoth Copper Company, a corporation,

Appellants,

No. 943. ✓ vs.

Louis Zeckendorf,

Appellee.

In this cause it is ordered that Appellants' Motion for an order suspending the execution of the judgement of the lower court, be and the same is hereby, denied.

Adolf Bail,

Appellant,

No. 873. ✓ vs.

Francis M. Hartman, as Trustee in Bankruptcy of the Co-partnership firm of Bentrook and Donovan, bankrupts,

Appellee.

This cause having heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby, affirmed.

✓ It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from Adolf Bail, Appellant herein, and Alexander Rossi and E. P. Drew, sureties on Supersedeas Bond, the sum of Seven Hundred and Ten dollars ($710.) being the amount recovered in the judgment rendered in the lower court, together with his costs in this court, taxed at Forty-one dollars ($41.00), and his costs in the court below in this cause incurred.

David Hardenberg and Moses H. Sherman,

Appellants,

No. 874. ✓ vs.

John M. Ward,

Appellee.

This cause having heretofore submitted and by the Court taken under consideration and the Court

Nov. 18-'05 having considered the same and being fully advised in the premises, It is ordered that the judgment of the lower court be and the same is hereby reversed and the cause remanded for a new trial

It is further ordered, adjudged and decreed, that the Appellants herein do have and recover of and from John M. Ward, Appellee herein, their costs in this court, taxed at seventy-three and 10/100 ($73.10) dollars.

No. 860 ✓

George A. Treadwell and F. C. Beckwith, Appellants,

vs.

George O. Marr, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed,

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from George A Treadwell and F.C. Beckwith, Appellants herein, his costs in this court, taxed at thirty-seven and 10/100 ($37.10) dollars, and his costs in the court below in this cause incurred

No. 872 ✓

John A. Scott, Appellant,

vs.

N. L. Griffin, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the

Court having considered the same and being fully advised in the premises: It is ordered that the judgement of the lower court, be and the same is hereby reversed, and the case remanded for a new trial.

It is further ordered adjudged and decreed that the Appellant herein, John O. Scorr, do have and recover of and from N. E. Griffin, Appellee herein his costs in this court, taxed at Sixty-four ($64.00) Dollars.

Salt River Valley Canal Company, a corporation,
Appellant,
vs.
Peter Nelson,
Appellee.

No. 915 ✓

On motion of Mr. C. F. Ainsworth, it is ordered that Appellant herein be granted 30 days in which to file brief.

In the Matter of the Application of the Copper Queen Consolidated Mining Company, a corporation, for a Writ of Certiorari,
Applicant,
against
The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hill, Chairman, et al,
Respondent.

No. 927 ✓

At this day come again the parties hereto by their attorneys respectively, and argument resumed by Attorney General Clark for Respondent and Mr. Sorin for Applicant, and cause ordered submitted.

Court took a recess until two o'clock this afternoon.

Nov. 18-'05. Court re-convened at two o'clock.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "
and the Clerk.

The following business was transacted-

No. 900 ✓

The Territory of Arizona, at the relation and to the use of Thomas Devine, Treasurer and Ex-Officio Tax Collector of Coconino County, Arizona, Appellant,

vs

Edward B. Perrin, Appellee.

Comes now Mr. E. M. Doe, for Appellant herein, in open court, and gives notice of Appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

✓ It is ordered that said motion be granted, and the appeal be and the same is hereby, allowed, and Appellant granted 60 days in which file Statement of Facts.

✓ It is further ordered, that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1000.) dollars.

No. 934 ✓

The Territory of Arizona, Plaintiff,

vs.

The Board of Supervisors of Yavapai County, Arizona, composed of D. S. Sinclair, et al, as Supervisors of Yavapai County, Arizona, and John H. Robinson, as Clerk of the Board of Supervisors of Yavapai County, Defendants.

This cause coming on for hearing was argued by Mr. E. S. Clark for Plaintiff and by Mr. E. E. Ellinwood for Defendants,

and cause ordered submitted.

The Territory of Arizona,
Plaintiff,
vs.
No. 935 ✓
The Board of Supervisors of Mohave County, Arizona, composed of John S. Nolan, et al., as Supervisors of Mohave County, Arizona, and Thomas McNeely, as Clerk of the Board of Supervisors of Mohave County,
Defendants.

On motion of Attorney General Clark for Mr. Wm. G. Blakely attorney for Defendants herein, It is ordered that this cause be submitted, and the ruling in case No. 934 apply to this cause.

In the Matter of the Application of the Copper Queen Consolidated Mining Company, a corporation, for a Writ of Certiorari
Applicant,
No. 927. ✓
against
The Territorial Board of Equalization of the Territory of Arizona, composed of Nathan A. Hill, Chairman, et al.,
Respondent.

✓ On motion of Mr. E. S. Clark, attorney for Respondent herein, It is ordered that he have until Monday next, in which to file Return to Writ of Certiorari.

✓ On motion of Mr. E. S. Clark, It is further ordered that Respondent have 5 days in which to file reply Brief.

✓ On motion of Mr. William Herring, attorney for Applicant herein, It is ordered that he have permission to file Briefs Today.

Nov. 18- '05

No. 936

The Territory of Arizona,
Plaintiff,
vs.
The Board of Supervisors of Graham County, Arizona, composed of Baylor Shannon, et al., as Supervisors of Graham County Arizona, and George Carlton as clerk of the Board of Supervisors of Graham County,
Defendants.

This cause coming on for hearing was argued by Mr. E. S. Clark for Plaintiff and Mr Chas. L. Rawlins for Defendants, and cause ordered submitted.

No. 927

The Territory of Arizona,
Plaintiff
vs.
The Board of Supervisors of Santa Cruz County, Arizona, composed of D. F. Harrison, et al, as Supervisors of Santa Cruz County, Arizona, and Phil Herold, as Clerk of the Board of Supervisors of Santa Cruz County,
Defendants.

It is ordered that this cause be submitted on the argument in cases No. 927. 934 and 936.

No. 939

In the Matter of the Application of The United Globe Mines, a corporation, for a Writ of Certiorari,
against
The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hill, Chairman, et al.,

It is ordered that this cause be submitted on the argument in case No. 927. and that the decision and judgment of the Court upon the demurrer filed in case No. 927 shall be of the same binding force and effect in this cause, as the judgment to be entered in said case No. 927.

In the Matter of the Application of
The Old Dominion Copper Mining and
Smelting Company, a corporation,
for a Writ of Certiorari,
No. 940 ✓ against
The Territorial Board of Equalization
of the Territory of Arizona, composed of
Wesley A. Hill, Chairman, et al.,

It is ordered that this cause be submitted on the argument in case No. 927, and that the decision and judgment of the Court upon the demurrer filed in case No. 927 shall be of the same binding force and effect in this cause as the judgment to be entered in said case No. 927.

In the Matter of the Application of
the Arizona Commercial Copper
Company, a corporation,
for a Writ of Certiorari
No. 941. ✓ against
The Territorial Board of Equalization
of the Territory of Arizona, composed of
Wesley A. Hill, Chairman, et al.

It is ordered that this cause be submitted on the argument in case No. 927, and that the decision and judgment of the Court upon the demurrer filed in case No. 927, shall be of the same binding force and effect in this cause, as the judgment to be entered in said case No. 927.

It is ordered that this court stand adjourned sine die.

Edward Kent Chief Justice.

Jan. 8. '06. Supreme Court, } Regular January Term, A.D. 1906.
Territory of Arizona. } Phoenix Arizona. Monday January 8th 1906.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
" E. M. Cullom, Clerk.
" J. L. B. Alexander, U.S. Attorney.
" M. H. Calderwood, Crier.
" J. L. Wolf, Bailiff.

The following business was transacted.

M. J. Brown,
Appellant,
vs.
No. 890. ✓
F. H. Braun and L. M. Brunswig,
Co-partners, doing business
under the firm name and style of
F. H. Braun & Co.
Appellees.

It is ordered that the Motion to recall Remittitur and reinstate cause, filed herein by Appellees, be and the same is hereby submitted.

George A. Treadwell, et al.,
Appellants,
vs.
No. 860. ✓
George O. Harris,
Appellee.

It is ordered that the Motion for re-hearing, filed herein by Appellants, be and the same is hereby submitted

The Valley Bank of Phoenix,
Appellant,
vs.
No. 877. ✓
Elizabeth C. Brown,
Appellee.

It is ordered that the

Motion for re-hearing, filed herein by Appellant, he and the same is hereby submitted.

F. S. Pixley,
Appellant,
vs.
No. 911 ✓
Lake Superior and Arizona Mining Company,
Appellee.

It is ordered that the Motion for leave to file Rejoinder to Appellant's Reply Brief, filed herein by Appellee, be and the same is hereby submitted.

M. J. Nugent,
Appellant,
vs.
No. 917. ✓
John Stoffela,
Appellee.

It is ordered that the Motion to Dismiss Appeal, filed herein by Appellee, be and the same is hereby submitted.

Jacob Birnang,
Appellant,
vs.
No. 918 ✓
J. C. Veet,
Appellee.

It is ordered that the Motion to Affirm the judgment of the lower court, filed herein by Appellee, be and the same is hereby submitted.

James R. Thorpe,
Plaintiff in Error,
vs.
No. 920. ✓
G. N. Clanton, et al,
Defendants in Error.

It is ordered that the Motion to Dismiss Cause, filed herein by Defendants in Error, be and the same

Jan. 8- '06 is hereby submitted.

No. 928. In the Matter of the Black Diamond Copper Mining Co., a corporation, in Bankruptcy.
In the Matter of the Claim of W. J. Kirkpatrick, Attorney For Petitioning Creditors.

It is ordered that the Motion to Dismiss Appeal filed herein by Appellee, be and the same is hereby submitted.

No. 930. The Alto Gold Mining Company, Appellant, vs. John Kinney, Appellee.

It is ordered that the Motion to Dismiss Appeal, filed herein by Appellant, be and the same is hereby submitted.

No. 948. Nick Matko, et al., Appellants, vs. August Daley, Appellee.

It is ordered that the Motion to Dismiss Appeal filed herein by Appellee, be and the same is hereby submitted.

It is further ordered that the Motion for leave to file briefs and record of the lower court, filed herein by appellants, be and the same is hereby, submitted.

No. 953. L. J. Singleton Windmiller, Appellant, vs. Charles F. Martin, Administrator of the estate of John Windmiller, deceased, Appellee.

It is ordered that the Motion to Affirm the Judgment

of the District Court, filed herein by Appellee, be and the same is hereby, submitted.

Ezra C. Bartlett,
Appellant,
vs.
No. 954. ✓
Albert Steinfeld,
Appellee.

It is ordered that the Motion to Affirm the Judgment of the District Court, filed herein by Appellee, be and the same is hereby, submitted.

On motion of Mr William Herring, It is ordered that Mr. P. C. Little, who holds a certificate from the Supreme Court of the State of California, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court, Mr Little took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. Chas. L. Rawlins, It is ordered that Mr. James R. E. Duncath, who holds a certificate from the Supreme Court of the State of Ohio, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court, Mr. Duncath took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

F. S. Pheby,
Appellant,
vs.
No. 911. ✓
Lake Superior and Arizona
Mining Company,
Appellee.

On motion of Mr. Haggard, It is ordered that Appellee herein be granted permission to file rejoinder to Appellant's

Jan. 8. '06. reply brief.

L. C. Hughes,
Appellant,
No. 225. vs.
Territory of Arizona,
Respondent.

On motion of Attorney General, It is ordered that Mr. Eugene S. Ives and Mr. Benton Dick be entered as attorneys for Respondent herein.

Albert Steinfeld, et al
Appellants,
No. 943. vs.
Louis Zeckendorf,
Appellee.

On motion of Mr. F. H. Hereford, It is ordered that Appellee herein have until the 15th inst. in which to file brief, and

It is further ordered that Appellants herein have 10 days thereafter in which to file reply brief.

Martin Costello,
Appellant,
No. 898. vs.
Joseph Muheim,
Appellee.

On motion of James Reilly, Esq., Attorney for Appellant herein, It is ordered that he have leave to make corrections in Abstract of Record.

No. 944 ✓ In the Matter of the Black Diamond Copper Mining Company, a corporation, in bankruptcy,
Soli Bros. v Renaud,
Appellants.

On motion of James Reilly, Esq., Attorney for Appellants, Herein, It is ordered that he have leave to insert index in his Abstract of Record.

No. 918. ✓ Jacob Airway Appellant,
vs.
J. C. Vest,
Appellee.

On motion of Mr. Wm. M. Lovell, attorney for Appellee Herein, It is ordered that he allowed to file Motion to Affirm Judgment, to-day.

It is ordered that this Court stand adjourned until to-morrow morning, January 9th, at 10 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1906.
Territory of Arizona. } Phoenix, Arizona, Tuesday January 9th 1906.

Court opened at 10 o'clock A. M.

Present: Hon. Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
S. M. Cullom, Clerk
M. H. Caldenwood, Crier.
J. L. Hoy, Bailiff.

The following business was transacted.

Jan. 9. '06

No. 861. v

Jesse Hoyt Smith,
Appellant,
vs.
William J. Rainey and Lillian Rainey Rhoyle, Frank Luke and John Luke,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises;

✓ It is ordered that the judgment of the district court be and the same is hereby affirmed.

✓ It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Jesse Hoyt Smith, Appellant herein, and R. H. Greene and Lloyd B. Christy, sureties on Appeal Bond, their costs in this court taxed at Twenty-four and 30/100 ($24.30) Dollars, and their costs in the Court below in this cause incurred.

No. 930. v

The Alta Gold Mining Company,
Appellant,
vs.
John Kinney,
Appellee.

The Motion to Dismiss Appeal, filed herein by Appellant, having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises;

It is ordered that said motion be granted and the Appeal be and the same is hereby dismissed.

✓ It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from The Alta Gold Mining Company, Appellant herein, his costs in this behalf taxed at $_____.

No. 918. ✓

Jacob Pinning,
Appellant,
vs.
J. C. Heed,
Appellee.

The Motion to Affirm the Judgment of the Court below, filed herein by Appellee, having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises; It is ordered that said Motion be granted, and the judgment of the lower court be and the same is hereby, affirmed, with costs, but without penalty.

✓ It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Jacob Pinning Appellant herein, and Boral A. Smith and J. T. Hood, sureties on Supersedeas Bond the sum of Fourteen hundred and forty-three and 35/100 dollars ($1443.35), with interest thereon at the rate of six per cent. (6%) per annum from the 13th day of February, 1904, until paid, together with his costs in this court taxed at nine ($9.00) dollars, and his costs in the court below in this cause incurred.

No. 901. ✓

Martin Buggeln,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of the County of Coconino, Territory of Arizona,
Respondent.

At this day this matter having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises; It is ordered that judgment be entered herein in favor of Petitioner, the relief prayed for be granted, and that a Writ of Mandamus issue against the Respondent in case No. 902.

Jan 9. '46

R. J. Arey,
Petitioner,
No. 912. ✓
vs.
Henry F. Ashurst, as District Attorney of the County of Cochise, Territory of Arizona,
Respondent.

At this day this matter having been heretofore submitted to the Court, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the prayer of the Petitioner be granted; - - -, and that a peremptory writ of mandamus issue against the Respondent herein, as prayed for. with costs to Petitioner.

L. J. Singleton Windmiller,
Appellant,
No. 953 ✓
vs.
Charles F. Martin, Administrator of the estate of John Windmiller, deceased, et al.,
Appellees.

The motion to Affirm the Judgment of the district court, filed herein by Appellees, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be granted and the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from L. J. Singleton Windmiller, Appellant herein, their costs in this cause taxed at

No. 954. ✓

Ezra C. Bartlett,
Appellant,
vs.
Albert Steinfeld,
Appellee.

The Motion to Affirm the Judgment of the district court, filed herein by Appellee, having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises:

It is ordered that said motion be granted, and the judgment of the lower court be and the same is hereby, affirmed.

✓ It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Ezra C. Bartlett, Appellant herein, his costs in this court taxed at twelve ($12.00) dollars, together with his costs in the court below.

No. 899 ✓

California Development Company,
a corporation,
Appellant,
vs.
Yuma Valley Union Land and
Water Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the California Development Company a corporation, Appellant herein, and E. F. Sangmeister and L. C. Stahl, sureties on Appeal Bond herein, its costs in this Court, taxed at Twenty-nine and 75/100 ($29.75) dollars, and its costs in the court below in this cause incurred,

Jan. 2 '06

No. 7220.

James R. Sharpe,
Plaintiff in Error,
vs.
F. M. Claxton, et al.
Defendants in Error.

On motion of Mr. C. F. Ainsworth, attorney for Plaintiff in Error herein, It is ordered that he be allowed to file additional Brief on the record proper in Motion to Dismiss.

No. 8851.

Nebraska Mining & Development Company, a corporation,
Appellant,
vs.
Cornelius Wiggins, et al. (Petition and to Enforce a Trust &c.)
Executor and Executrix of the Last Will & Testament of Nehemiah Connette,
Deceased.

This cause having been heretofore submitted and by the Court taken under Consideration, and the Court having considered the same, and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed that the appellee herein do have and recover of and from the Nebraska Mining & Development Company, a corporation, appellant herein, and the Pacific Surety Company of California, a corporation, Surety on Supersedeas Bond herein, the sum of Ten Thousand Five Hundred Seventy seven and 50/100 ($10577.50) Dollars, drawing 6% per annum interest thereon at the rate of six per cent (6%) per annum from the 18th day of October, 1904, until paid, together with Five hundred fifteen and 50/100 ($515.50) dollars attorneys fees, and its costs in this behalf taxed at Nineteen and 50/100 ($19.50) Dollars, and its costs in the Court below in this cause incurred, taxed at Seventy seven ($77.00) Dollars.

In the Matter of the Estate
of
Peter Peterson, deceased.
Peter Peterson, Executor.

For Appellant's hearing It is ordered that he be granted leave to file brief today.

No. 948 ✓ Nick Matko, et al., Appellants;
vs.
August Daly, Appellee.

On motion of Attorney for Appellants herein, it is ordered that he be granted leave to file the record in this cause provided it is ready for filing at this term. and

✓ On motion of Attorney for Appellants herein, it is ordered that Appellants have 10 days in which to file brief, and

✓ It is ordered that Appellee have 10 days thereafter in which to file reply, and

✓ It is further ordered that this cause be submitted on the briefs.

No. 877. ✓ The Valley Bank of Phoenix, Appellant,
vs.
Elizabeth E. Brown, Appellee.

The Motion for Re-hearing filed herein by Appellant, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises; It is ordered that said motion be and the same is hereby, denied.

No. 860. ✓ George A. Treadwell and F.C. Beckwith, Appellants,
vs.
George O. Marrs Appellee.

The Motion for Re-hearing filed herein by Appellants,

Jan 9 '06 Leaving been heretofore submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:
It is ordered that said motion be and the same is hereby, denied.

No. 860. ✓

George A Fradenell and F. A Beckwith,
Appellants,
vs.
George O. Marrs,
Appellee.

Come now the Appellants herein by their Attorney and give notice of appeal from the judgment of this Court to the Supreme Court of the United States, and pray the Court that the appeal be allowed
It is ordered by the Court that said motion be granted and the appeal be and the same is hereby allowed and the Appellee stayed for sixty days.

Comes now Mr Walter Bennett and moves that Mr A. L. Miller be admitted to practice in this court, and that he be appointed to conduct examination.
Whereupon the Court admitted the following named to examine Mr Miller:
Hon. E. B. Morris, Mr Seton H. Graeffe and Mr C. C. Little.

On motion of Mr Alfred Graeffe, it is ordered that Mr Oscar Carl Pickell, who holds a certificate from the Supreme Court and District of Columbia, be admitted to practice in this Court upon motion for part of Mr Bennett and taking the required oath.
Whereupon, on motion, Mr Bennett took the oath required by, Rule 2 governing admission to the Bar.
On motion of Mr Alfred Graeffe, it is ordered that Mr Oscar Carl Pickell, who holds a certificate from the Supreme Court and District of Columbia, be admitted to practice in this Court upon motion for part of Mr Bennett and taking the required oath.

On motion of Mr. Thos. Armstrong, Jr., It is ordered that Mr. Edward A. Marshall, who holds a certificate from the Supreme Court of South Carolina, be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Thereupon, in open Court, Mr. Marshall took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

The Territory of Arizona,
Plaintiff
vs.
No. 903. E.L. Vail, et al, as Supervisors of Pima County, Arizona,
Defendants.

On motion of Attorney General, It is ordered that Plaintiff herein have leave to file Motion for Judgment on the pleadings.

R.N. Leatherwood, President, and E.N. Fish, et al, Directors of The Arizona Pioneers' Historical Society, and the Arizona Pioneers' Historical Society, a corporation,
Plaintiffs,
vs.
No. 933. Wesley A. Hill, Territorial Auditor of the Territory of Arizona,
Defendant.

On motion of E.S. Clark, Attorney General, It is ordered that the hearing of this cause be set for January 10th, 1906, on oral argument.

Ygnacio Samaniego
Appellant,
vs.
No. 221. Territory of Arizona,
Respondent.

On motion of Mr E.S. Clark, attorney for Respondent herein, It is ordered that he be granted leave to file Motion to Affirm

Janry 2-'06. Judgment, and
It is further ordered that said motion be submitted.

L C Hughes,
Appellant,
No. 225. vs.
Territory of Arizona,
Respondent.
In this cause, it is ordered that attorney for Respondent file his brief within ten days. and
On motion of Attorney General, E S Clark, It is ordered that this cause be submitted on Briefs.

Robert Barton,
Appellant,
No. 226. vs.
Territory of Arizona,
Respondent.
It is ordered that this cause be submitted.

The Meyer-Clarke-Rowe Mines Company, a corporation,
Appellant,
No. 886. vs.
Albert Steinfeld,
Appellee.
On motion of Mr. Selim M. Franklin, attorney for Appellee herein, It is ordered that oral argument of this cause be set for January 22- 1906, and
On motion of Mr. Selim M. Franklin, it is further ordered that full time for argument be granted.

No. 907. ✓

Eugene S. Ives,
Appellant,
vs.
E. F. Sanguinetti,
Appellee.

On motion of Thos. Armstrong, Jr., It is ordered that his name and Peter J. Roberts's, be entered of record as attorneys for Appellee herein.

✓ It is further ordered that Appellant herein file his reply brief within 10 days, and

✓ It is further ordered that this cause be submitted on briefs.

No. 917. ✓

M. J. Nugent,
Appellant,
vs.
John Stoffels,
Appellee.

On motion of Mr. Eugene S. Ives, attorney for Appellant herein, It is ordered that oral argument be granted in this cause.

✓ On motion of Thos. Armstrong, Jr., It is ordered that his name be entered of record as attorney for Appellee herein, and

✓ On motion of Mr. Thos. Armstrong, Jr., attorney for Appellee herein, It is further ordered that this cause be set for oral argument January 15th, 1906.

No. 921. ✓

John MacPherson,
Appellant,
vs.
E. Hattich,
Appellee.

It is ordered that this cause be submitted on briefs.

Jany 9-'06. Eugene S. Ives and Anna H. Ives,
Appellants,
No. 922. vs.
John H. Dorrington,
Appellee.

It is ordered that this cause be set for January 15th, 1906, on oral argument.

On motion of attorney for Appellants herein, It is ordered, that Appellants have 10 days in which to file reply brief.

On motion of Mr. Thos. Armstrong, Jr., It is ordered that his name be entered of record as attorney for Appellee herein.

Southern Pacific Company,
Appellant,
No. 945. vs.
Thomas F. Wilson, administrator of the estate of Hugh Mackenzie, deceased,
Appellee.

It is ordered that this cause be submitted on briefs.

It is further ordered that Appellant have until January 15th in which to file reply brief.

Manuel Emich,
Appellant,
No. 949. vs.
Grace H. Manlove,
Appellee.

It is ordered that this cause be submitted.

It is further ordered that Appellee have until January 20th, 1906, in which to file brief.

Charley O. Rouse,
Appellant,
No. 950. vs.
Pima County,
Appellee.

On motion of Attorney General

E. S. Clark, It is ordered that Appellee have 10 days in which to file Brief, and

It is further ordered that this cause be submitted on briefs.

Martin Costello,
Appellant,
vs.
No. 898. ✓
Joseph Muheim,
Appellee.

On motion of attorney for Appellant herein, It is ordered that this cause be set for oral argument January 10th, 1906.

M. D. Scribner,
Appellant,
vs.
No. 904. ✓
William K. Meade,
Appellee.

On motion of Mr. H. P. Miller, attorney for Appellant herein, It is ordered that the hearing of this cause be set for January 11th, 1906.

Roy & Titsworth,
Appellants,
vs.
No. 905 ✓
Julius Flin,
Appellee.

On motion of attorney for Appellee herein, It is ordered that this cause be submitted.

A. A. Richardson,
Appellant,
vs.
No. 906 ✓
Frank Powers,
Appellee.

On motion of Mr. E. S. Ives, It is ordered that the setting of this cause be passed for the present; to be called again if desired.

Jan. 9. '06.
No. 911. ✓

F. S. Pheby,
Appellant,
vs.
Lake Superior and Arizona Mining Company,
Appellee.

On motion of Mr. Alfred Franklin, attorney for Appellant herein, It is ordered that this cause be submitted on Briefs.

No. 910. ✓

Phoenix & Eastern Railroad Company, a corporation,
Appellant,
vs.
Arizona Eastern Railroad Company, a corporation,
Appellee.

On motion of Mr. L. H. Chalmers, attorney for Appellant herein, It is ordered that this cause be set for oral argument. January 15th, 1906, and the whole day given to the hearing of this cause.

No. 917. ✓

M. J. Nugent,
Appellant,
vs.
John Scoffeld,
Appellee.

By consent of attorneys for Appellant and Appellee herein, It is ordered that this cause be re-set for January 16th, 1906.

No. 922. ✓

Eugene S. Ives, and Anna H. Ives,
Appellants,
vs.
John H. Farrington,
Appellee.

By consent of attorneys for Appellants and Appellee herein, It is ordered that the hearing of this

cause be re-set for January 16th, 1906.

No. 913. ✓

John H. Fogan, administrator of the estate of Ellen Finley, deceased,
Appellant,
vs.
Roy F. Titcomb, incorporated, and Charles L. Fowler,
Appellees

It is ordered that this cause be submitted on Briefs.

No. 914. ✓

Frank Powers and Josephine Powers,
Appellants,
vs.
The World's Fair Mining Company, a corporation,
Appellee.

On motion of Mr. Frank H. Hereford, attorney for Appellee herein, It is ordered that this cause be set for oral argument January 18th, 1906.

No 916. ✓

Southwestern Commercial Company, a corporation,
Appellant,
vs.
George V. Downey, assignee of Thomas J. Turner,
Appellee.

On motion of Mr. Frank H. Hereford, attorney for Appellant herein, It is ordered that this cause be set for oral argument, January 17th, 1906.

Jan. 9-'06

No. 928. ✓

In the Matter of the Black Diamond Copper Mining Company, a corporation, in Bankruptcy,
The Black Diamond Copper Mining Company, a corporation,
Appellant,
In the Matter of the Claim of W. J. Kirkpatrick, attorney for petitioning creditors.

It is ordered that this cause be submitted, subject to Motion to Dismiss, and pending.

No. 944. ✓

In the Matter of the Black Diamond Copper Mining Company, a corporation, in Bankruptcy,
Solo Bros. v Renaud,
Appellants.

It is ordered that this cause be submitted.

No. 929. ✓

C. L. Cummings,
Appellant,
vs.
Ida E. Cummings,
Appellee.

It is ordered that this cause be submitted on Briefs, and

It is further ordered that attorney for Appellant herein, have 5 days in which to file reply Brief if he desires.

No. 931. ✓

A. V. Lewis,
Appellant,
vs.
Francis Cunningham,
Appellee.

It is ordered that this cause be submitted on Briefs.

No. 938. ✓

Thomas J. Turner, and The United States Fidelity & Guaranty Company, a corporation,

Plaintiffs in Error

vs.

O. K. Franklin

Defendant in Error.

On motion of Mr. Thos. Armstrong, Jr., attorney for Plaintiffs in Error, It is ordered that this cause be set for oral argument January 10th, 1906.

No. 942. ✓

Empire Smelting Company, a corporation,

Appellant,

vs.

Gardiner, Worthen & Goss Company, a corporation,

Appellee.

It is ordered that this cause be submitted.

No. 946. ✓

William K. Meade and Helen D. Meade,

Appellants,

vs.

Electa Scribner and M. D. Scribner,

Appellees.

On motion of Mr. H. P. Miller, attorney for Appellees herein, It is ordered that this cause be set for oral argument, January 11th, 1906.

No. 948. ✓

Nick Matka, et al.,

Appellants,

vs.

August Daly,

Appellee.

On motion of attorney for Appellants herein, It is ordered that this cause be set for oral argument January 17th, 1906.

Jany 9'06
No. 951 ✓

John Dessart, et al.,
Appellant,
vs.
W. A. Bonyngе,
Appellee.

On motion of Mr. S. M. Franklin, attorney for Appellants herein, It is ordered that this cause be set for oral argument January 10th, 1906.

No. 952 ✓

Colby N. Thomas, et al.,
Appellants,
vs.
Territory of Arizona
Appellee.

On motion of Attorney General E. S Clark, It is ordered that this cause be submitted, subject to motion to Affirm on Short Transcript.

No. 227 ✓

C. C. Leigh,
Appellant,
vs.
Territory of Arizona,
Respondent.

On motion of Attorney General It is ordered that this cause be submitted on briefs.

✓ On motion of Attorney General, It is further ordered that Respondent have 10 days in which to file brief.

No. 228 ✓

Arch Maxwell, et al.,
Appellants,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. G. W. Norris, attorney for Appellants herein, It is ordered that this cause be set for oral argument, January 17th, 1906.

No. 897. ✓ Anna Williams,
Appellant,
vs.
Richard Jones,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 956. ✓ F. C. Friedman,
Appellant,
vs.
H. A. Suttle,
Appellee.

It is ordered that this cause be submitted.

No. 957. ✓ Peter L. Kaetzer,
Appellant,
vs.
J. H. Darrah, The Fashion Livery Company, et al.,
Appellees.

On motion of attorney for Appellee herein, It is ordered that the setting of this cause be passed for the present.

No. 958. ✓ William Epperson,
Appellant,
vs.
John H. Cogley,
Appellee.

On motion of attorney for Appellant herein, It is ordered that this cause be set for January 18th, 1906.

No. 959. ✓ Priscilla Bradford,
Appellant,
vs.
Robert E. Morrison,
Appellee.

On motion of attorney for Appellee herein, It is

Jan. 9-'06 ordered that the setting of this cause be passed for the present.

George Young,
Appellant,
No. 222. vs.
Territory of Arizona,
Respondent.

It is ordered that this cause be submitted, subject to motion of Attorney General to affirm.

Territory of Arizona,
Appellant,
No. 223. vs.
James L. Monroe,
Respondent.

On motion of Attorney General, It is ordered that this cause be submitted on briefs.

Territory of Arizona,
Appellant,
No. 224. vs.
Zacarias Raval,
Respondent.

On motion of Attorney General, It is ordered that this cause be submitted on briefs.

Peter L. Hutton, as administrator of the estate of A. J. Copley, deceased,
Appellant,
No. 932. vs.
John Cramer,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 902. ✓

United States of America,
Appellant,
vs.
Quong Chee,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 908. ✓

Phoenix Water Company,
a corporation,
Appellant,
vs.
The Common Council of the
City of Phoenix,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 915. ✓

Salt River Valley Canal Company,
a corporation, Appellant
vs.
Peter Nelsen,
Appellee.

On motion of Mr Lewis, attorney for appellee herein,
It is ordered that he have full time for argument in this cause.

✓ On motion of Mr Lewis, it is further ordered that this cause be set for January 19th, appellee waiving reply brief.

No. 919. ✓

William N. Cook, as Sheriff of the
County of Maricopa, Territory of
Arizona, et al.,
Appellants,
vs.
Mary E. Putnam, as administratrix
of the estate of D. M. Putnam, deceased,
Appellee.

On motion of Mr. C. F. Ainsworth, attorney for Appellee herein, It is ordered that this cause be set for oral argument January 19th, 1906.

Jany 9-'06 James A. Thorpe,
Plaintiff in Error,
No. 920 ✓ vs.
F. N. Clanton, et al.,
Defendants in Error.

On motion of Mr J. L. B. Alexander, attorney for Defendants in Error, It is ordered that he have leave to submit additional authorities.

✓ It is further ordered that this cause be submitted if the Motion to Dismiss Appeal is denied.

R. Allyn Lewis, et al.,
Appellants,
No. 955 ✓ vs.
Fred Herrera, Receiver,
Appellee.

On motion of Webster Street, Esq., attorney for Appellants herein, It is ordered that this cause be set for oral argument January 22nd, 1906.

Albert Steinfeld, A. K. Shelton, et al.,
Appellants,
No. 943 ✓ vs.
Louis Zeckendorf,
Appellee.

On motion of Eugene S. Ives, Esq. attorney for Appellants herein, It is ordered that this cause be set for oral argument January 23rd, 1906.

The Territory of Arizona,
Plaintiff,
No. 934 ✓ vs.
The Board of Supervisors of Yavapai County, Arizona, composed of D. H. Sinclair, et al., as Supervisors of Yavapai County, Arizona, and John H. Robinson, as Clerk, etc.,
Defendants.

On motion of Attorney General E. S. Clark, Attorney for

plaintiff herein, It is ordered that he be granted leave to withdraw his typewritten brief filed herein and substitute the printed brief now presented

In the Matter of the Application of the Copper Queen Consolidated Mining Company, a corporation, for a Writ of Certiorari,

Applicant,

No. 927. ✓ against

The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hall, Chairman, et al.,

Respondent.

On motion of Attorney General, C.S. Clark, attorney for Respondent herein, It is ordered that he be granted leave to withdraw his typewritten brief filed herein, and substitute the printed brief now presented.

The Territory of Arizona,

Plaintiff,

No. 936. ✓ vs.

The Board of Supervisors of Graham County, Arizona, composed of Baylor Shannon, et al., as Supervisors of Graham County, Arizona, and George Carlton, et al., as Clerk, etc.,

Defendants.

On motion by Mr. C.L. Rawlins, attorney for Defendants herein, It is ordered that he have leave to withdraw his typewritten brief, filed herein, and substitute the printed brief.

It is ordered that this Court stand adjourned until tomorrow morning, January 10th, at 9:30 o'clock.

Edmund Kent Chief Justice.

Jan. 10-'06. Supreme Court, Territory of Arizona. } January Term, A.D. 1906.
Phoenix, Arizona. Wednesday, Jan'y 10th, 1906.
Court opened at 9:30 o'clock A.M.
Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan " "
" John H. Campbell " "
" Frederick S. Nave " "
S. M. Cudlom, Clerk
M. H. Calderwood, Crier.
J. L. Wolf, Bailiff.
The following business was transacted.

No. 917. M. J. Nugent, Appellant, vs. John Stoffela, Appellee.

In this cause it is ordered that Appellant herein have until the 13th instant in which to file certificate or other showing of approval of Appeal Bond herein.

No. 928. In the Matter of the Black Diamond Copper Mining Company, a corporation, in Bankruptcy. The Black Diamond Copper Mining Company, a corporation. Appellant. In the Matter of the Claim of W. J. Kirkpatrick, attorney for Petitioning Creditors.

It is Ordered that the motion to Dismiss the Appeal filed herein by Appellee, and heretofore submitted, be considered with this cause.

James R. Thorpe,
Appellant,
No. 920 ✓ vs.
F. N. Clanton, et al.,
Appellees.

The Motion to Dismiss the Appeal, filed herein by Appellees, having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby denied by a divided court.

N. J. Brown,
Appellant,
No. 890. ✓ vs.
F. H. Brown, and L. N. Brunswig,
Co-partners, doing business under the
firm name and style of F. H. Brown & Co.
Appellees

In this cause it is ordered that attorney for Appellees herein be permitted to serve notice of his Motion to Re-call Remittitur on Appellant herein, and to furnish authorities in support of Motion if he elects so to do.

Nick Matko, et al.,
Appellants,
No. 948. ✓ vs.
August Daley,
Appellee.

On motion of Webster Sturt, Esq., It is ordered that he be permitted to withdraw the papers herein, and send back the transcript and assignment of errors, to have the assignment of Errors interpolated in the transcript.

Jan. 10-'06 Colby N. Thomas, et al., Appellants,
No. 952. vs.
Territory of Arizona, Appellee.

On motion of Mr. J. H. Langston, It is ordered that his name be added as Counsel for Appellants herein.

On motion of Mr. Wm M. Lovell, It is ordered that Mr. Tom K. Richey, who holds a certificate from the Supreme Court of the State of Kansas be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath. Whereupon in open court Mr. Richey took the Constitutional Oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

In the Matter of the Application of A. G. McAlister, for admission to practice in this Court.

We, the undersigned, your committee appointed to examine A. G. McAlister upon his application for admission to practice, beg leave to report; That we have on this, the 9th day of January, 1906, in Phoenix, completed an examination of the applicant as to his knowledge of legal principles and their application, the rules of pleading and practice, the rules of evidence, the rules of construction, and of the ethics of the profession, and also as to his education; and have ascertained satisfactorily as to his honor and moral character.

It affords us pleasure to report that we find him more than ordinarily well grounded in the fundamental principles of the law and in its administration in practice; that he is a man of good education, with a high respect for truth and morality, and well qualified for admission to practice at the Bar of this Court. We therefore heartily recommend that an order for his admission be entered.

Respectfully,

F. G. Norcid.
Selim M. Franklin,
O. C. Little.

The committee appointed to examine Mr. A. G. McAlister as to his qualifications for admission to the bar, reporting favorably: It is ordered that he be admitted to practice in this court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon in open court Mr. McAlister took the Constitutional Oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

R. N. Leatherwood, President, and E. N. Fish, et al., Directors of The Arizona Pioneers' Historical Society, et al.,
Plaintiffs,
No. 933. ✓ vs.
Wesley A. Hill, Territorial Auditor of the Territory of Arizona,
Defendant.

This cause coming on for hearing was argued by Attorney General, E. S. Clark, for Defendant and cause ordered submitted.

Martin Costello,
Appellant,
No. 898. ✓ vs.
Joseph Marheim,
Appellee.

This cause coming on for hearing was argued by Mr. James Reilly and Mr. Ben Goodrich for Appellant and Mr. H. P. Miller for Appellee, and cause ordered submitted.

Jan 10-06 Thomas J. Turner and
The United States Fidelity & Guaranty
Company, a corporation,
Plaintiffs in Error,
No. 938 vs.
O. K. Franklin,
Defendant in Error.

This cause coming on for hearing was argued by
Mr. Thos. Armstrong, Jr., for Plaintiffs in Error and
Mr. Selim M. Franklin, for Defendant in Error and
cause ordered submitted.

John Dessart, et al.,
Appellant,
No. 951 vs.
W. A. Bonynge,
Appellee.

This cause coming on for hearing was argued
by Mr. Selim M. Franklin for Appellant and Mr.
Ben Goodrich for Appellee, and cause ordered submitted.

It is ordered that this court stand adjourned
until to-morrow morning, January 11th, at 9:30 o'clock.

Edward D. White Chief Justice.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Thursday Jan'y. 11th 1906.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan " "
" John H. Campbell " "
" Frederick S. Nave, " "

S.M. Cullom, Clerk.
M.H. Caldenwood, Crier.
J.L. Wolf. Bailiff.

The following business was transacted.

No. 903. ✓

The Territory of Arizona,
Plaintiff,
vs.
E.L. Vail, et al., as Supervisors of Pima County, Arizona,
Defendants.

On motion of Mr. E.S. Clark, attorney for Plaintiff herein, It is ordered that this cause be set for hearing January 12, 1906.

No. 860. ✓

George H. Bradwell and F.C. Beckwith,
Appellants,
vs.
George O. Marsh,
Appellee.

Comes now attorney for Appellants herein, in open court, and gives notice of appeal from the judgment of this Court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

✓ It is ordered that said motion be granted, and the appeal be and the same is hereby, allowed,

✓ It is further ordered, that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1000.) dollars.

Jan. 11-'06

No. 904. M. D. Scribner, Appellant, vs. William K. Meade, Appellee.

It is ordered that this cause be submitted on briefs.

No. 946. William K. Meade, et al., Appellants, vs. Electa Scribner, et al., Appellees.

It is ordered that this cause be submitted on briefs.

No. 928. In the Matter of the Black Diamond Copper Mining Company, a corporation, in Bankruptcy, The Black Diamond Copper Mining Company, a corporation, Appellant, vs. In the Matter of the Claim of W. J. Kirkpatrick, attorney for petitioning creditors.

This cause coming on for hearing was argued by Mr Ben Goodrich for Appellant and Mr Francis M. Hartman for Appellee and cause ordered submitted.

It is ordered that this court stand adjourned until to-morrow morning January 12, at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D., 1906.
Territory of Arizona. } Phoenix, Arizona. Friday, January 12, 1906.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "
S. M. Cullom, Clerk.
M. H. Calderwood, Crier.
J. L. Wolf, Bailiff.

The following business was transacted.

The Territory of Arizona,
Plaintiff,
vs.
No. 903. ✓
E. L. Vail, et al., as Supervisors of Pima County, Arizona.
Defendants.

It is ordered that this cause be submitted on briefs.

It is further ordered that Defendants herein have until the 20th day of January in which to file their brief.

It is ordered that this Court stand adjourned until tomorrow morning, January 13th, 1906, at 9:30 o'clock.

Edward Kent Chief Justice.

See page 442 for minutes of January 13th.

Supreme Court, Territory of Arizona. } January Term, A.D. 1906.
Phoenix, Arizona. Monday, January 15, 1906.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave. " "

S. M. Cullom, Clerk
M. H. Calderwood, Crier.
J. L. Wolf, Bailiff.

The following business was transacted.

M. J. Nugent, Appellant,
vs.
No. 917. John Stoffela, Appellee.

The Motion to Dismiss Appeal, filed herein by Appellee, having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that said motion be and the same is hereby denied.

Phoenix & Eastern Railroad Company, a corporation, Appellant,
vs.
No. 910. Arizona Eastern Railroad Company, a corporation. Appellee.

On motion of Mr. L. H. Chalmers, attorney for Appellant herein, It is ordered that Mr. E. W. Camp be permitted to assist attorneys for Appellant in this cause.

This cause coming on for hearing was argued by Mr. E. W. Camp for Appellant and Mr. E. S. Ives for Appellee and cause ordered submitted.

It is ordered that this court stand adjourned until tomorrow morning, January 16th, at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court } January Term, A. D. 1906.
Territory of Arizona. } Phoenix, Arizona, Tuesday, January 16, 1906.

Court opened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave, " "
S. M. Cullom, Clerk.
Wallis B. Kibbey, Deputy U. S. Attorney.
M. H. Calderwood, Crier.
J. L. Wolf, Bailiff.

The following business was transacted.

No. 917. ✓

M. J. Nugent,
Appellant,
vs.
John Stoffela,
Appellee.

This cause coming on for hearing was argued by Mr. E. S. Ives for Appellant, and Mr. Thos. Armstrong Jr., for Appellee, and cause ordered submitted.

No. 922. ✓

Eugene S. Ives, and Anna N. Ives,
Appellants,
vs.
John H. Dorrington,
Appellee.

On motion of Mr. E. S. Ives, it is ordered that this cause be submitted on briefs.

✓ On motion of Mr. Ives, it is further ordered that Appellants have until January 28th in which to file brief.

Jan. 16- 06.

No. 916.

The Interstate Commercial Company, a corporation,
Appellant,
vs.
George V. Ownsney, assignee of Thomas J. Tobin,
Appellee.

On motion of Mr. Walter Bennett, for appellee, herein,
It is ordered that the order of January 9th, setting cause for hearing January 17th, 1906, be and the same is hereby vacated, and
It is further ordered that this cause be set for January 25th.

Frank Powers, et al.,
Appellants,
vs.
No. 914.
The World's Fair Mining Company, a corporation,
Appellee.

It is ordered that the order of January 9th, setting the hearing of this cause for January 18th 1906, be and the same is hereby, vacated, and
It is further ordered that this cause be set for January 25th.

In the Matter of the account of the Clerk of this Court for per diem for the Quarter ending December 31st, 1905, presented for allowance, the following order was made in open Court.

Whereas, Shelby M. Cullom, Clerk of the Supreme Court of the Territory of Arizona, has rendered to this Court his account for his official services from the first day of October, 1905, to the thirty-first day of December, 1905, with the items thereof, in the presence of the United States District Attorney, and has by his oath attached to the account proved to the satisfaction

of the Court that the services therein charged have been actually and ~~ne~~cessarily performed as therein stated; and whereas said charges appear to be just and according to law, it is hereby ordered that said account, amounting to thirty and 30/100 ($30.30) dollars, be, and the same is hereby approved.

It is hereby certified that upon each day for which a per diem is charged in this account the Court was opened for business and the Judges present and presiding.

January 16, 1906.

Edward Kent.
Chief Justice Supreme Court,
Territory of Arizona.

It is ordered that this Court stand adjourned until to-morrow, January 17th, at 9:30 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court,
Territory of Arizona. } January Term, A.D. 1906.
Phoenix, Arizona. Wednesday, Jany 17-1906.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "
S. M. Cadon, Clerk
M. H. Calderwood, Crier,
J. L. Wolf, Bailiff.

The following business was transacted.

No. 957. ✓

Peter L. Kastens, Appellant,
vs.
J. H. Dannah, The Fashion Livery Company, et al., Appellees.

It is ordered that the hearing of these cases be

Jan. 17-'06 Set for January 20-1906.

No. 958 ✓

William Epperson,
Appellant,
vs.
John H. Crozier,
Appellee.

It is ordered that the hearing of this cause be reset for January 20, 1906.

No. 228 ✓

Arch Maxwell, et al.,
Appellants,
vs.
Territory of Arizona,
Respondent.

In this cause it is ordered that the hearing be reset for January 20, 1906.

No. 948 ✓

Nick Matko, et al.,
Appellants,
vs.
August Daley
Appellee.

This cause coming on for hearing was argued by Mr. Webster Street for Appellants, and cause ordered submitted.

✓ On motion of Mr. Flannigan for Appellee, It is ordered that he be granted until January 27. in which to file Brief.

It is ordered that this Court stand adjourned until to-morrow, January 18th at 9:30 o'clock A. M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Thursday, January 18, 1906
Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave " "
S.M. Cullom, Clerk
M.H. Calderwood, Crier
J.L. Wolf, Bailiff.

It is ordered that this Court stand adjourned until tomorrow, January 19th, at 9:30 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Friday, January 19-1906.
Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "
S.M. Cullom, Clerk.
M.H. Calderwood, Crier.
J.L. Wolf — Bailiff.
The following business was transacted.

Comes now Mr. E.S. Clark, and moves that Mr. Robert Carey McKean be admitted to practice in this Court, and that a Committee be appointed to conduct examination.

Whereupon, the Court appointed the following committee to examine Mr. McKean:
Mr. Webster Street, Mr. Walter Bennett and Mr. Geo. Christy.

Jan 19-'06 Carby N. Thomas, et al.,
Appellants,
No. 952. vs.
Territory of Arizona,
Appellee.

On motion of Attorney General, It is ordered that Appellee herein have 10 days in which to file brief, and It is further ordered that Appellants herein have 10 days thereafter in which to file reply.

Pinckney L. Mortes,
Appellant,
No. 961. vs.
Gila Valley, Globe & Northern Railway Co.,
Appellee.

On motion of Mr. L. H. Chalmers, it is ordered that the motion to withdraw appeal filed herein by Appellant, be submitted.

Salt River Valley Canal Co., a corporation,
Appellant,
No. 915. vs.
Peter Nelsen,
Appellee.

On motion of Mr. C. F. Ainsworth, attorney for Appellant herein: It is ordered that this cause be submitted on briefs.

William H. Cook, as Sheriff of the County of Maricopa, Territory of Arizona, et al.,
Appellant,
No. 919. vs.
Mary E. Duncan, as administratrix of the estate of D. M. Duncan, deceased,
Appellee.

On motion of Mr. Thos. J. Prescott, attorney

for appellant herein; It is ordered that this cause be submitted on briefs.

It is ordered that this Court stand adjourned until tomorrow morning, January 20th, at 9:30 o'clock.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1906.
Territory of Arizona. } Phoenix, Arizona. Saturday January 20-1906.

Court opened at 9:30 o'clock, A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
S. N. Cullom, Clerk,
M. H. Calderwood, Crier
J. L. Wolf, Bailiff.

The following business was transacted.

No. 927. ✓

In the matter of the application of the Copper Queen Consolidated Mining Company, a corporation, for a Writ of Certiorari;
against
The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hill, Chairman, and Thomas F. Wilson, Charles Bowman, Frank H. Parker, John X. Woods, and Charles F. Solomon.

A writ of certiorari in this cause having been allowed by an Associate Justice of this Court, and thereafter an amended application for such writ having been filed, and the Territorial Board of Equalization having appeared in said matter by E. S. Clark, Attorney General, of the Territory of Arizona, and a demurrer having been filed herein by said Attorney General, to the amended application herein, on the ground that the said application did not state facts sufficient to constitute a cause of action, and said matters

Jan. 20-'06 upon said amended application and the demurrer thereto coming on to be heard, and the same having been duly argued and submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that said demurrer be sustained, and the Writ heretofore issued be, and the same is hereby, quashed.

It is further ordered, adjudged and decreed that the Respondent herein, do have and recover of and from the Copper Queen Consolidated Mining Company, its costs incurred herein, taxed at Thirty-three and 25/100 ($33.25) Dollars.

No. 939.

In the Matter of the Application of The United Globe Mines, a corporation, for a Writ of Certiorari, against The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A Hill, Chairman, and Thomas F. Wilson, Charles Brennan, Frank H Parker, John X. Woods and Charles F. Solomon,

A writ of certiorari in this cause having been allowed by an Associate Justice of this court, and the Territorial Board of Equalization having appeared in said matter by C. S. Clark, Attorney General of the Territory of Arizona, and a demurrer having been filed herein by said Attorney General to the application herein, on the ground that the said application did not state facts sufficient to constitute a cause of action, and said matter coming on to be heard upon said application and the demurrer thereto, and the same having been duly argued and submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that said demurrer be sustained, and the Writ heretofore issued be, and the same is hereby, quashed.

It is further ordered, adjudged and decreed that the

Respondent herein, do have and recover of and from the United Globe Mines, a corporation, its costs incurred herein, taxed at

In the Matter of the Application of the Old Dominion Copper Mining and Smelting Company, a corporation, For a Writ of Certiorari, against The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hill, Chairman, and Thomas F. Wilson, Charles Bowman, Frank H. Parker, John X. Woods and Charles F. Solomon.

No. 940

A writ of certiorari in this cause having been allowed by an Associate Justice of this court, and the Territorial Board of Equalization having appeared in said matter by E. S. Clark, Attorney General of the Territory of Arizona, and a demurrer having been filed herein by said Attorney General to the application herein, on the ground that the said application did not state facts sufficient to constitute a cause of action and said matters coming on to be heard upon said application and the demurrer thereto, and the same having been duly argued and submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that said demurrer be sustained, and and the Writ heretofore issued be, and the same is hereby quashed.

It is further ordered, adjudged and decreed that the Respondent herein, do have and recover of and from the Old Dominion Copper Mining and Smelting Company, a corporation, its costs incurred herein, taxed at

Jan. 20'06

No. 941 ✓

In the Matter of the Application of the Arizona Commercial Copper Company, a corporation, for a Writ of Certiorari,

against

The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hall, Chairman, and Thomas F. Wilson, Charles Bowman, Frank H. Parker, John X. Woods and Charles F. Solomon.

A writ of certiorari in this cause having been allowed by an Associate Justice of this court, and the Territorial Board of Equalization having appeared in said matter by E. S. Clark, Attorney General of the Territory of Arizona and a demurrer having been filed herein by said Attorney General to the application herein, on the ground that the said application did not state facts sufficient to constitute a cause of action, and said matter coming on to be heard upon said application and the demurrer thereto, and the same having been duly argued and submitted, and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that said demurrer be sustained, and the Writ heretofore issued be, and the same is hereby, quashed.

It is further ordered, adjudged and decreed that the Respondent herein, do have and recover of and from the Arizona Commercial Copper Company, a corporation, its costs incurred herein, taxed at

No. 934 ✓

The Territory of Arizona,

Plaintiff

vs.

The Board of Supervisors of Yavapai County, Arizona, composed of D. G. Sinclair and Sater, and C. H. Smith, as Supervisors of Yavapai County Arizona, and John H. Harrison, as Clerk of the Board of Supervisors of Yavapai County,

Defendants.

Plaintiff, at the

relation of the Attorney General, E. S. Clark, having filed its petition in this Court, praying for a Writ of Mandamus to issue against the Board of Supervisors of Yavapai County, and its Clerk, to require them to add to and carry out upon the assessment roll of said county, certain increased valuations ordered by the Territorial Board of Equalization, at its August meeting in the year 1905, to be placed upon said assessment roll, and to compute and carry out thereon the Territorial tax fixed by the order of said Territorial Board of Equalization, and the defendants having demurred to the petition of petitioner upon the ground that it appears upon the face thereof that the same does not state facts sufficient to constitute a cause of action, or to entitle plaintiff to the issuance of said writ, and the said demurrer having been duly filed and served, and the same coming on in its order to be heard before this Court at the January, A. D. 1906, Term thereof, E. S. Clark, Attorney General, appearing for Petitioner, and E. E. Ellinwood, Esq., District Attorney of Yavapai County, appearing for Defendants, and argument by the respective attorneys having been heard and concluded upon said demurrer, and the same having been duly and finally submitted, and said Court being fully advised in the premises, and having duly considered the same,

It is ordered and adjudged that the demurrer to the petition be, and the same is hereby, sustained, and the proceeding dismissed.

It is further ordered, adjudged and decreed that the Defendants herein do have and recover of and from the Territory of Arizona, Plaintiff herein, their costs in this cause incurred, taxed at

The Territory of Arizona,
Plaintiff,
vs.
The Board of Supervisors of Mohave County, Arizona, composed of John S. Nolan, William S. Stephens and John Mulligan, as Supervisors of Mohave County, Arizona, and Thomas McNeely, as Clerk of the Board of Supervisors of Mohave County,
Defendants.

No. 935

Plaintiff, at the relation of the Attorney General,

Jan. 20- '06. E.S. Clark, having filed its petition in this Court, praying for a Writ of Mandamus to issue against the Board of Supervisors of Mohave County, and its Clerk, to require them to add to and carry out upon the assessment roll of said county, certain increased valuations ordered by the Territorial Board of Equalization, at its August meeting in the year 1905, to be placed upon said assessment roll, and to compute and carry out thereon the Territorial tax fixed by the order of said Territorial Board of Equalization, and an action having been brought by the Attorney General against the Board of Supervisors of Yavapai County, Arizona, and its clerk, wherein the facts are practically the same as in this cause, and the legal principles involved in both cases are the same, and it having been consented in open Court by said Attorney General, and by Wm. G. Blakely, Esq., District Attorney of Mohave County for Defendants, that this cause should await and abide by the decision to be rendered in said Yavapai County case, and the demurrer to the Petition for Writ of Mandamus in the Yavapai County case this day having been sustained,

It is ordered that this proceeding be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Defendants herein do have and recover of and from the Territory of Arizona, Plaintiff herein, their costs in this cause incurred, taxed at,

The Territory of Arizona,
Plaintiff,
vs.
No. 936. ✓
The Board of Supervisors of Graham County, Arizona, composed of Baylor Shannon, D.F. Gillespie and George H. Olney, as Supervisors of Graham County, Arizona, and George Carlton, as Clerk of the Board of Supervisors of Graham County,
Defendants.

Plaintiff, at the relation of the Attorney General,

E.S Clark, having filed its petition in this Court, praying for a Writ of Mandamus to issue against the Board of Supervisors of Graham County, and its Clerk, to require them to add to and carry out upon the assessment roll of said county, certain increased valuations ordered by the Territorial Board of Equalization, at its August meeting in the year 1905, to be placed upon said assessment roll, and to compute and carry out thereon the Territorial tax fixed by the order of said Territorial Board of Equalization, and the defendants having demurred to the petition of petitioner upon the ground that it appears upon the face thereof that the same does not state facts sufficient to constitute a cause of action, or to entitle plaintiff to the issuance of said writ, and the said demurrer having been duly filed and served, and the same coming on in its order to be heard before this Court at the January, A.D. 1906, Term thereof, E.S. Clark, Attorney-General, appearing for Petitioner, and Charles L. Rawlins, Esq., District Attorney of Graham County, and Herring & Sorin of counsel, appearing for defendants, and argument by the respective attorneys and counsel having been heard and concluded upon said demurrer, and the same having been duly and finally submitted, and said Court being fully advised in the premises, and having duly considered the same, and, in accordance with the Stipulation herein filed in cause No. 934,

It is ordered and adjudged that the demurrer to the petition of petitioner be, and the same is, hereby overruled, and the proceeding dismissed.

The Territory of Arizona, Plaintiff,

vs.

No. 937. The Board of Supervisors of Santa Cruz County, Arizona, composed of J.A. Harrison, William Struckmann, and J. Gurgoon, as Supervisors of Santa Cruz County, Arizona, and Phil Herreb, as Clerk of the Board of Supervisors of Santa Cruz County, Defendants!

Plaintiff, at the Relation of the Attorney-General,

Jan. 20'06 E.S. Clark, Esq. filed its petition in this Court, praying for a Writ of Mandamus to issue against the Board of Supervisors of Santa Cruz County, and its Clerk, to require them to add to and carry out upon the assessment roll of said county, certain increased valuations ordered by the Territorial Board of Equalization, at its August meeting in the year 1905, to be placed upon said assessment roll, and to compute and carry out thereon the Territorial tax fixed by the order of said Territorial Board of Equalization, and the defendants having demurred to the petition of petitioner upon the ground that it appears upon the face thereof that the same does not state facts sufficient to constitute a cause of action, or to entitle petitioner to the issuance of said writ, and the said demurrer having been duly filed and served, and the cause coming on to be heard before this Court at the January, A.D. 1906, Term thereof, E.S. Clark, Attorney General, appearing for Petitioner, and E.E. Ellinwood, Esq. appearing for defendants, and argument by the respective attorneys and counsel having been heard and concluded upon said demurrer, and the cause having been duly and finally submitted, and said Court being fully advised in the premises, and having duly considered the same, now in accordance with the stipulation thereinfiled in cause No. 934,

It is ordered that the demurrer to the petition for Writ of Mandamus be, and the same is, hereby sustained, and the proceeding dismissed.

It is further ordered, adjudged and decreed that the Defendants herein, do have and recover of and from the Petitioner, Plaintiff herein, their costs in this cause incurred, taxed at

Priscilla Bradford
Appellant,
vs.
Louis E. Stevens,
Respondent.

Appeal from the Superior Court of the Fifth Judicial

No. 957. ✓ Peter L. Kastner,
Appellant,
vs.
J. H. Darrah, The Fashion Livery Company, et al.,
Appellees.

It is ordered that this cause be submitted on briefs.

No. 958. ✓ William Epperson,
Appellant,
vs.
John H. Crozier,
Appellee.

It is ordered that this cause be submitted on briefs.

No. 228 ✓ Arch Maxwell, et al.,
Appellants,
vs.
Territory of Arizona,
Respondent.

On motion of Mr. F. G. Norris, attorney for appellants herein, It is ordered that Appellants have 20 days in which to file abstract of record and brief, and

✓ It is further ordered that Respondent herein have 10 days thereafter in which to file brief.

No. 927 ✓ In the Matter of the Application of the Copper Queen Consolidated Mining Company, a corporation, for a Writ of Certiorari, against The Territorial Board of Equalization of the Territory of Arizona, composed of Hedley A Hall, Chairman, and Thomas F. Wilson, Charles Borman, Frank H. Parker, John X. Woods, and Charles F. Solomon.

Comes now the Applicant herein by its attorneys, William Herring, Esq., and gives notice of appeal from the judgement of this Court to the Supreme Court of the

Jan. 20-'06 United States, and moves the Court that the appeal be allowed.

It is ordered by the Court that said motion be granted, and the appeal be and the same is hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One thousand ($1000.) dollars.

The Territory of Arizona,

Plaintiff,

No. 934 v

vs.

Board of Supervisors of Yavapai County, Arizona, Composed of D.G. Sinclair, Fred Salter, and B.H. Smith, as Supervisors of Yavapai County Arizona; and John H. Robinson, as Clerk of the Board of Supervisors of Yavapai County,

Defendants.

Comes now the Plaintiff herein by its attorney, E.S. Clark, Esq., and gives notice of appeal from the judgment of this Court to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered by the Court that said motion be granted, and the appeal be and the same is hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One thousand ($1000.) dollars.

Jesse Hoyt Smith,

Appellant,

No. 861 v

vs.

William J. Rainey, and Lillian Rainey, his wife, Frank Luke and John Luke,

Appellees.

Comes now C.F. Ainsworth, Esq. attorney for Appellant herein, and gives notice of appeal from the judgment of this Court to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered by the Court that said motion be granted, and the appeal be and the same is hereby allowed.

It is further ordered that the amount of the Bond on Appeal be fixed in the sum of One Thousand ($1000.) dollars.

In the Matter of the Application of Robert Carey McKean to be admitted in the Supreme Court of Arizona.

To the Justices of the Supreme Court of Arizona:

Your Committee appointed to examine into the qualifications of Robert Carey McKean for admission to practice in the Supreme Court of Arizona, have the honor to submit the following report:

That we have examined into the qualifications of said applicant and found that he is a young man of good moral character and studious habits; that he has had a good legal education in the University of Pennsylvania and holds a diploma therefrom; that he is well versed in legal principles and is well fitted to enter upon the practice of the law; he is a young man of good general education and has had the advantage of and been benefited by a college training.

Upon our examination of said applicant we find that he is possessed of a knowledge of legal principles and their application; of the rules of pleading and practice; of the rules of evidence; of the rules of construction; of the ethics of the profession of law; that he is possessed of a good education and of a reputation for truth, honor and moral character, and has lived in the Territory not less than six months and intends to reside permanently in the Territory and practice the profession of the law therein.

We, therefore, recommend that he be admitted to practice as an attorney at law before the Supreme Court of Arizona.

Dated, January 20, 1906.

Respectfully submitted
Webster Street.
Walter Bennett
George F. Christy.

The Committee appointed to examine Mr. Robert Carey McKean, as to his qualifications for admission to the Bar, reporting favorably. It is ordered that he be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Jan. 20-06

It is ordered that this Court stand adjourned until Monday, January 22nd, 1906, at 9:30 o'clock A.M.

Edward Kent Chief Justice.

Minutes of Jany 13th overlooked- should have been entered on page 424.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Saturday, Jany 13-1906.

Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "
" E. M. Carlon, Clerk,
" M.H. Calderwood, Crier.
" J.L. Hoff, Bailiff.

The following business was transacted.

On motion of Mr. A.C. Baker, It is ordered that Mr. G.O. Nolan, who holds a certificate from the Supreme Court of the State of Oregon, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon, in open court, Mr Nolan took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure

No. 927. v
No. 934. v

The Court desiring some additional information in the cases known as the Tax cases, Nos. 927-934-935-936-937-939-940 and 941 respectively, they came on this day for hearing and were argued by Mr. Wm Herring, Mr. E.E. Ellinwood and Mr. C.L. Robbins, and ordered submitted.

It is further ordered that the Clerk of this Court notify the attorneys in the above cases when the decision is to be rendered.

Writs of Certiorari against the Territorial Board of Equalization having been allowed by an Associate Justice of this Court upon the applications respectively of the Copper Queen Consolidated
No. 939 ✓ Mining Company, a corporation, the United Globe Mines, a corporation,
No. 940 ✓ the Old Dominion Copper Mining and Smelting Company, a corporation,
No. 941 ✓ and the Arizona Commercial Copper Company, a corporation; and the said Territorial Board of Equalization having appeared in each of said matters by E.S. Clark, Attorney General of the Territory of Arizona, and it having been consented to, in open court, by Herring & Sorin, who appeared on behalf of each of said applicants, and by said Attorney General, that the demurrer to the application of the Copper Queen Consolidated Mining Company, shall be considered and deemed as filed to each of said other applications above named.

It is ordered that this Court stand adjourned until Monday January 15th, 1906, at 9:30 o'clock A. M.

Edward Kent Chief Justice.

See page 424 for minutes of Jan'y 16-1906.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Monday, January 22-1906.

Court opened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Nave, " "
S. M. Cullom, Clerk,
M. H. Calderwood, Crier.
J. L. Wolf, Bailiff.

The following business was transacted.

An order having been duly made and entered on the 20th day of January, 1906, whereby Mr. Robert Emery, Jr. Esq. was duly admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath, he

Jan. 22-'06 in open court on this day, took the Constitutional oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

The Meyer-Clarke-Rowe Mines Company, a corporation,
Appellant,
vs.
Albert Steingfeld,
Appellee.
No. 886. ✓

On motion of Mr Wm M Lovell, it is ordered that Mr. Wm S. Gilbert be entered as additional counsel for appellant herein.

This cause coming on for re-hearing was argued by Mr. Wm M Lovell and Mr. Wm S. Gilbert, for Appellant and by Mr. Selim M. Franklin for Appellee and cause ordered submitted.

R. Allyn Lewis, et al.,
Appellants,
vs.
Enid Herrera, [illegible],
Appellee.
No. 955. ✓

This cause coming on for hearing was argued by Webster Street, Esq., for Appellants and Selim M. Franklin Esq. for Appellee; and cause ordered submitted.

Ordered that this Court stand adjourned until Tuesday, January 23rd, at 9:30 o'clock A.M.
Crockett Chief Justice.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona, Tuesday, January 23, 1906.
Court opened at 9:30 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Frederick S. Nave, " "
S. M. Cullom, Clerk
M. H. Caldenwood, Crier
J. L. Wolf, Bailiff.
The following business was transacted.

It appearing that by reason of the reconstruction of the court house at Globe, in Gila County, now in progress, suitable accommodations for holding Court are not at present afforded at that place, it is hereby ordered that the place for holding the District Court in the Fifth Judicial District in the exercise of the same jurisdiction as that of the Circuit and District Courts of the United States be and the same is hereby fixed at the town of Solomonville, in the County of Graham.

This order shall be in effect on and after January 29th, 1906.

Dated January 17th, 1906.

Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, Associate Justice.
John H. Campbell Associate Justice.
Frederick S. Nave, Associate Justice.

The place for holding the District Court in the Fifth Judicial District in the exercise of the same jurisdiction as that of the Circuit and District Courts of the United States having been changed, by an order entered on the 17th day of January, 1906, from Globe in Gila County, to Solomonville, in Graham County, it is hereby ordered that the times for holding court in Graham County in the year 1906, be fixed on the last Monday in January and on the first Monday in October, and thereafter on the first Monday in April and the first Monday in October.

Jan. 23-06

Dated January 22, 1906.

Edward Kent, Chief Justice.
Richard E. Sloan, Associate Justice.
Fletcher M. Doan, Associate Justice.
John H. Campbell, Associate Justice.
Frederick S. Nave Associate Justice.

No. 927 ✓

In the Matter of the Application of the Copper Queen Consolidated Mining Company, a corporation, for a Writ of Certiorari,

against

The Territorial Board of Equalization of the Territory of Arizona, composed of Wesley A. Hill, Chairman, and Thomas F. Wilson, Charles Bowman, Frank H. Parker, John X. Woods and Charles F. Solomon.

In this cause, on motion of Wm Herring, Esq., It is ordered that he be granted leave to file affidavit of value.

No. 914 ✓

Frank Powers and Josephine Powers,

Appellants,

vs.

The Worlds Fair Mining Company, a corporation,

Appellee.

On motion of Mr. Frank H. Hereford, attorney for appellee herein, It is ordered that this cause be submitted on briefs.

✓ It is further ordered that the order of January 16th setting cause for hearing be, and the same is hereby vacated.

Albert Steinfeld, R. K. Shelton,
Silver Bell Copper Company, a corporation,
and Mammoth Copper Company, a corporation,
Appellants,

No. 943. ✓ vs.

Louis Zuckendorf,
Appellee.

On motion of Mr. Frank H. Hereford, It is ordered that Mr. E. A Messrve be entered as associate counsel for appellee herein.

✓ This cause coming on for hearing was argued by Mr. E. S. Ives for appellants. The hour for adjournment having arrived, It is ordered that argument be continued until to-morrow.

It is ordered that this Court stand adjourned until to-morrow, January 24th, at 9:30 o'clock A. M.

Edward Kent Chief Justice

Supreme Court,
Territory of Arizona. } January Term, A. D. 1906.
Phoenix, Arizona. Wednesday, January 24th, 1906.

Court opened at 9:30 o'clock A. M.

Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" Frederick S. Nave, " "
S. M. Calhoun, Clerk
M. H. Calderwood, Crier
J. L. Hoy, Bailiff.

The following business was transacted.

Jesse Hoyt Smith,
Appellant,

No. 861. ✓ vs.

William J. Rainey, et al.,
Appellee.

On motion of Mr. C. F. Ainsworth, attorney for appellant herein, It is ordered that he be granted leave to amend Statement of Facts.

Jan. 24-'06. R. J. Arey, Petitioner,
No. 912. vs.
Henry F. Ashurst, as District Attorney of the County of Cochise, Territory of Arizona, Respondent.

On motion of E. M. Doe, Esq., attorney for Respondent herein, It is ordered that he be granted leave to file Motion for re-hearing, and that said Motion be submitted.

Southwestern Commercial Company, a corporation, Appellant,
No. 916. vs.
George V. Oweney, assignee of Thomas J. Tucker, Appellee.

On motion of Frank H. Hereford, Esq., attorney for Appellant herein, It is ordered that this cause be submitted on Briefs.

It is further ordered that the order of January 16th setting cause for hearing January 25th, 1906, be and the same is hereby, vacated.

Albert Steinfeld, et al., Appellants,
No. 943. vs.
Louis Zeckendorf, Appellee.

This cause being continued from yesterday, was argued by Mr. Frank H. Hereford and Mr. E. A. Morrow for Appellee, and argument ordered continued until this afternoon.

Court took a recess until 2:30 o'clock this afternoon.

Court re-convened at 2:30 o'clock.
Present: Honorable Edward Kent, Chief Justice
" Richard E. Sloan, Associate Justice
" Fletcher M. Doan, " "
" Frederick S. Nave, " "
and the Clerk.
The following business was transacted.

No. 912 ✓

R. J. Frey,
Petitioner,
vs.
Henry F. Ashurst, as District Attorney of the County of Coconino, Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing, filed herein by Respondent and heretofore submitted, be and the same is hereby denied.

No. 936. ✓

The Territory of Arizona
Plaintiff,
vs.
The Board of Supervisors of Graham County, Arizona, Composed of Taylor Shannon, B. F. Billingsley, and George A. Frey, as Supervisors of Graham County, Arizona; and George Cadton, as Clerk of the Board of Supervisors of Graham County,
Defendants.

On motion of William Herring Esq., attorney for Defendants herein, It is ordered that he be granted leave to withdraw Stipulation in cases Nos. 934- 935- 936- 937.

No. 943. ✓

Albert Steinfeld, et al.,
Appellants,
vs.
Louis Geckendorf,
Appellee.

This cause again coming on for hearing, argument

Jan. 24-'06 was concluded by Mr. E.A. Mecum for Appellee, and cause ordered submitted.

On motion of Mr. Eugene S. Ives, attorney for Appellants herein, It is ordered that he be granted 7 days in which to file reply brief.

It is ordered that this Court stand adjourned until Friday, March 30th, 1906, at 10 o'clock A.M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Friday March 30, 1906.

Court opened at 10 o'clock A.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "

S.M. Cullom, Clerk.
M.H. Calderwood, Crier
J.L. Wolf, Bailiff.

The following business was transacted.

It is ordered by the Court that the Clerk spread upon the Record the Commissions and Oaths of the Chief Justice, Mr. Associate Justice Sloan, and Mr. Associate Justice Nave.

Theodore Roosevelt,
President of the United States of America,
To all who shall see these Presents, Greeting:
Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Edward Kent, of Colorado I have nominated, and by and with the advice and consent of the Senate, do

appoint him Chief Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Edward Kent, for the term of four years, commencing March 21, 1906, subject to the provisions of Law.

In testimony whereof, I have caused these Letters to be made Patent and the seal of the Department of Justice to be hereunto affixed. Given under my hand, at the City of Washington, the sixth day of March in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

{Seal of Department of Justice.}

Theodore Roosevelt.

By the President:
M. D. Purdy,
Acting Attorney General.

Oath of Office of the Chief Justice

I, Edward Kent, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Chief Justice of the Supreme Court of Arizona, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

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{Sgd} Edward Kent,

Subscribed and sworn to before me, this 21st day of March, 1906.

Joseph H. Kibbey,
Governor of Arizona.

I, Edward Kent, do solemnly swear that I will support the Constitution of the United States and the laws of the Territory of Arizona; that I will true faith and allegiance bear to the same, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of the office of Chief Justice of the Supreme Court of Arizona according to the best of my ability, So Help Me God.

{Sgd.} Edward Kent.

Subscribed and sworn to before me, this 21st day of March, 1906.

Joseph H. Kibbey.
Governor of Arizona.

Commission of
Mr. Associate Justice Sloan.

Theodore Roosevelt,
President of the United States of America,
To all who shall see these Presents, Greeting:
Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Richard E. Sloan, of Arizona, I have nominated, and by, with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right appertaining, unto him the said Richard E. Sloan, for the term of four years commencing with the date hereof,

subject to the provisions of Law.

In Testimony Whereof, I have caused these Letters to be made patent and the seal of the Department of Justice to be hereunto affixed. Given under my hand, at the City of Washington, the ..... day of in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

(Seal of Department of Justice.)

By the President Theodore Roosevelt.

Attorney General.

Oath of Office of Mr Associate Justice Sloan.

I, Richard E. Sloan, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of Arizona, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So Help Me God.

Richard E. Sloan.

Subscribed and sworn to before me, this 19th day of March, 1906.

P.J. Keohane,
Justice of the Peace.

Fee and attested in open Court, this 19th day of March, 1906.

(Seal of District Court.) J.M. Hattes, Clerk.

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County of Yavapai. }

I, Richard E. Sloan, do solemnly swear that I will support the Constitution of the United States and the Laws of the Territory of Arizona; that I will true faith and allegiance bear to the same, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of the Office of Associate Justice of the Supreme Court of the Territory of Arizona, and Judge of the District Court of the Fourth Judicial District of the Territory of Arizona, according to the best of my ability. So Help Me God.

Richard E. Sloan.

Subscribed and sworn to before me, this 19th day of March, A.D. 1906.

P.J. Keohane,
Justice of the Peace.

Done and Attested in Open Court on this 19th day of March, A.D. 1906.

{Seal of District Court.} J.M. Hatter, Clerk

Commission of Mr. Associate Justice ? Sloan.

Theodore Roosevelt,
President of the United States of America.

To all who shall see these Presents, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Frederick S. Nave, of Arizona, I have nominated, and by with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States and to Have and to Hold the said Office, with all the powers, privileges and emoluments to the same of right

appertaining, unto Him, the said Frederick S. Nave, for the term of four years commencing with the date hereof, subject to the provisions of Law.

In Testimony Whereof, I have caused these Letters to be made Patent, and the Seal of the Department of Justice to be hereunto affixed. Given under my hand, at the City of Washington, the sixteenth day of January in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States of America the one hundred and thirtieth.

{Seal of Department of Justice.}

By the President:
William H. Moody
Attorney General.

Theodore Roosevelt.

Oath of Office of Mr. Associate Justice Nave.

I, Frederick S. Nave, do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Associate Justice of the Supreme Court of the Territory of Arizona, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So Help Me God.

Frederick S Nave

Subscribed and sworn to before me,
this twenty-seventh day of January, 1906.

John H. Campbell.
Associate Justice of the Supreme Court
of the Territory of Arizona.

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Territory of Arizona, } ss.
County of Pima. }

I, Frederick S. Nave, do solemnly swear that I will support the Constitution of the United States and the Laws of the Territory of Arizona; that I will true faith and allegiance bear to the same, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of the office of Associate Justice of the Supreme Court of the Territory of Arizona, according to the best of my ability, So Help Me God.

Frederick S. Nave.

Subscribed and sworn to before me this twenty-seventh day of January, A.D. 1906.

J. H. Campbell.

Associate Justice of the Supreme Court of the Territory of Arizona.

On motion of Mr John J. Ulen it is ordered that Mr. Otto Crouse, who holds a Certificate from the Supreme Court of the State of New Jersey, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon - in open court Mr Crouse took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. J. G. Norris. It is ordered that Mr. R. P. Talbot, who holds a Certificate from the Supreme Court of the State of Missouri, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon - in open court Mr. Talbot took the Constitutional Oath of office as prescribed in Sec. 395 of the Code of Civil Procedure.

On motion of Mr. Paul Burks, It is ordered that Mr. H. Kirkwood Flora, who holds a Certificate from the Supreme Court of the District of Columbia, be admitted to practice in this Court upon signing the Roll of Attorneys and taking the usual oath.

Whereupon - in open court Mr. Flora took the Constitutional Oath of Office as prescribed in Sec. 395 of the Code of Civil Procedure.

R. N. Leatherwood, President, et al.,
Plaintiffs,
vs.
No. 933. Wesley A. Hill, Territorial Auditor of the Territory of Arizona,
Defendant.

It is ordered that the Motion to Strike Plaintiffs' Reply Brief from files, filed herein by Defendant, be and the same is hereby submitted.

Presley L. Mates,
Appellant,
vs.
No. 961. Gila Valley Globe & Northern Railway Company,
Appellee.

Submitted January 19 '06.

~~It is ordered that the Motion to withdraw appeal, filed herein by Appellant, be and the same is hereby submitted.~~

It is further ordered that the Motion to Affirm the Judgment, filed herein by Appellee, be and the same is hereby submitted.

Court took a recess until 4 o'clock this afternoon.

Feb. 20-'06

Court re-convened at 4 o'clock P.M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell, " "
" Frederick S. Noyes " "
and the Clerk.

The following business was transacted.

No. 224

Territory of Arizona,
Appellant,
vs.
Lacarias Duval,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises; It is ordered that the order of the District Court be and the same is hereby reversed and the case remanded for further proceedings.

No. 225.

Nick Maxwell and R. H. Walker,
Appellants,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the lower court be and the same is hereby affirmed.

No. 253.

H. L. Meeker, et al.,
Appellants,
vs.
The Salt River Valley Canal Co.
and Lafayette Metzger, et al.,
Appellees.

This cause coming on to be heard before Chief Justice

and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises! It is ordered that the judgment of the district court be and the same is hereby reversed, and the case remanded for further proceedings.

It is further ordered, adjudged and decreed, that the Appellants herein, A. L. Henshaw, F. F. Hurley, John T. Hughes, George S. Norton, Sarah A. Norton, Mrs. F. H. Parker, Mrs. H. B. Linck, N. Morton, J. A. Green, Mason D. Norviger, as administrator of the estate of Simon Norviger, deceased, George H. Lutgerding, George Hilkin, guardian of C. Linville Lutgerding, a minor, Mrs. Mary A. Tweed, Joseph Cope and Fred Tate, do have and recover of and from the Appellees herein, the Salt River Canal Company, a corporation, the Arizona Water Company, a corporation, the Grand Canal Company, a corporation, the Maricopa Canal Company, a corporation, the Mesa Canal Company, a corporation, and the Utah Canal Company, a corporation, their costs in this court taxed at One Hundred twenty-four and 55/100 ($124.55) Dollars.

No. 898.

Martin Costello, Appellant,
vs.
Joseph Michelin
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises; It is ordered that the judgment of the district court be and the same is hereby reversed, and the cause remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein, Martin Costello, do have and recover of and from Joseph Michelin, Appellee herein, his costs in this cause, taxed at One Hundred and four and

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20/100 ($104.20) Dollars.

No. 908.

Phoenix Water Company,
a corporation,
Appellant,
vs.
The Common Council of the
City of Phoenix,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Phoenix Water Company, a corporation, Appellant herein, and the National Surety Company of New York City, a corporation, surety on Appeal Bond herein, its costs in this court taxed at Twenty-three and 20/100 ($29.20) dollars, and its costs in the court below in this cause incurred.

No. 910.

Phoenix & Eastern Railroad
Company, a corporation,
Appellant,
vs.
Arizona Eastern Railroad
Company, a corporation,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed, and judgment entered in this court, pursuant to the mandate regulating order in favor of the Appellant and against the Appellee;"

such order to be subject to modification or dissolution by the district court, or the judge thereof, should a change in the situation make such modification or dissolution necessary or proper.

It is further ordered, adjudged and decreed, that the Appellant herein do have and recover of and from the Arizona Eastern Railroad Company, a corporation, Appellee herein, its costs in this court, taxed at Four hundred fifty-one and 15/100 ($451.15) dollars, and its costs in the court below in this cause incurred.

No. 914. ✓

Frank Powers and Josephine Powers,
Appellants,
vs.
World's Fair Mining Company,
a corporation,
Appellee.

This cause having heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby reversed, and the case remanded for a new trial.

It is further ordered, adjudged and decreed, that the Appellants herein do have and recover of and from the World's Fair Mining Company, a corporation, Appellee herein, their costs in this court, taxed at One Hundred forty-six ($146.00) dollars.

No. 915. ✓

Salt River Valley Canal Company,
a corporation,
Appellant,
vs.
Peter Nelson,
Appellee.

This cause having heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that ^ that portion of the judgment of the district court which reads as follows:—

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It is now Ordered, Adjudged and Decreed that the plaintiff is an appropriator of water from the Salt River and is entitled to the service of defendant corporation in the diversion and carriage of water from Salt River to plaintiff's said premises through and by means of the Salt River Valley canal in amount sufficient for the cultivation of crops growing upon plaintiff's premises, to-wit: the east one-half of the southwest one-quarter of Section 9, Township 1 North, Range 2 East of Gila and Salt River Base and Meridian, in Maricopa County, Arizona Territory, and for domestic use and stock-raising purposes in connection therewith, in all not exceeding twenty-five (25) miners' inches, upon payment to said defendant corporation by plaintiff, his heirs or assigns, of its reasonable charges for such diversion and carriage, and subject to defendant's reasonable regulations as to service of water.

And It Is Now Further Ordered, Adjudged and Decreed that defendant be forever enjoined from in any manner or by any means whatsoever preventing the flow from said Salt River through said Salt River Valley canal to the plaintiff's said premises in amount the same as that diverted and carried by said defendant through said canal for similar uses upon other lands of equal acreage under said canal entitled to the same amount of water and not to exceed the amount necessary for the cultivation of crops growing upon said land and for stock raising and domestic use thereon subject to the reasonable regulations of said defendant as to the service of said water and the payment to said defendant by plaintiff, his heirs or assigns, of its reasonable charge for such diversion and carriage.", - be and the same is hereby modified so as to read as follows:-

It is now Ordered, Adjudged and Decreed that the plaintiff is an appropriator of water from the Salt River and, subject to the prior rights of such appropriators, is entitled to the service of defendant corporation in the diversion and carriage of water from Salt River to plaintiff's said premises through and by means of the Salt River Valley Canal in amount sufficient for the cultivation of crops growing upon plaintiff's premises, to-wit: the east one-half of the southwest one-quarter of

Section 9, Township 1 North, Range 2 East of Gila and Salt River Base and Meridian, in Maricopa County, Arizona Territory, and for domestic use and stock-raising purposes in connection therewith, in all not exceeding twenty-five (25) miners' inches, upon payment to said defendant corporation by plaintiff, his heirs or assigns, of its reasonable charges for such diversion and carriage, and subject to defendant's reasonable regulations as to service of water.

And it is now further Ordered, Adjudged and Decreed that, subject to the prior rights of appropriators supplied with water by defendant whose appropriations are prior to that of plaintiff, defendant be forever enjoined from in any manner or by any means whatsoever preventing the flow from said Salt River through said Salt River Valley canal to the plaintiff's said premises in amount the same as that diverted and carried by said defendant through said canal for similar uses upon other lands of equal acreage under said canal entitled to the same amount of water and not to exceed the amount necessary for the cultivation of crops growing upon said land and for stock-raising and domestic use thereon subject to the reasonable regulations of said defendant as to the service of said water, and the payment to said defendant by plaintiff, his heirs or assigns, of its reasonable charge for such diversion and carriage.

It is further ordered that the judgment as modified be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from the Appellant herein

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R. N. Leatherwood, President, and E. N. Fish, Barnabe Brichta, Pedro Flores, and James Guthrie, Directors of the Arizona Pioneers Historical Society, and the Arizona Pioneers' Historical Society, a corporation,

Plaintiffs,

No. 933.

vs.

Wesley A. Hill, Territorial Auditor of the Territory of Arizona,

Defendant.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the demurrer, filed herein by Defendant, to the application for Writ of Mandamus, be and the same is hereby sustained.

Peter L. Kastner,

Appellant,

No. 957.

vs.

The Fashion Livery Company, J. H. Dannah and Geo. C. Ruffner,

Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellees herein do have and recover of and from Peter L. Kastner, Appellant herein, and E. A. Kastner and Ed. Litt, sureties on appeal bond, their costs in this Court, taxed at Seventeen ($17.00) dollars, and their costs in the Court below in this cause incurred.

No. 958. ✓

William Epperson,
Appellant,
vs.
John H. Crozier,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the district court be and the same is, hereby reversed, and the cause remanded for new trial.

It is further ordered, adjudged and decreed, that the Appellant herein do have and recover of and from John H. Crozier, Appellee herein, his costs in this court taxed at Seventy-six and 15/100 ($76.15) Dollars.

No 946. ✓

William K. Meade and
Helen S. Meade,
Appellants,
vs.
Electa Scribner and M. D. Scribner,
Appellees.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises:

It is considered by the Court that the judgment appealed from is void and of no effect, and

It is ordered that the cause be, and the same is, hereby remanded to the district court for trial.

It is further ordered, adjudged and decreed, that the Appellants herein do have and recover of and from Electa Scribner and M. D. Scribner, Appellees herein, their costs in this court taxed at One Hundred and nineteen ($119.00) Dollars.

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No. 929.

C. L. Cummings,
Appellant,
vs.
Ida E. Cummings,
Appellee.

This cause having been heretofore submitted and by this Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein, do have and recover of and from C. L. Cummings, Appellant herein, and E. J. Jacklin and W. H. Neal sureties, the amount of the judgment of the trial court, together with her costs in this court taxed at Thirty-eight and 90/100 ($38.90) Dollars, and -- her costs in the court below in this cause incurred.

No. 951.

John Dessart and Alice Dessart, his wife, and George B. Marsh,
Appellants,
vs.
W. A. Bongere,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby reversed, and the cause remanded for further proceedings.

It is further ordered, adjudged and decreed, that the Appellants herein do have and recover of and from W. A. Bongere, Appellee herein, their costs in this court, taxed at One Hundred sixteen and 50/100 ($116.50) dollars.

No. 928. ✓

In the Matter of the Black Diamond Copper Mining Company, a corporation, In Bankruptcy,
The Black Diamond Copper Mining Company, a corporation, Appellant,
In the Matter of the Claim of W. J. Kirkpatrick, attorney for petitioning creditors,

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the appeal herein be and the same is hereby dismissed.

It is further ordered, adjudged and decreed that the Appellee herein, W. J. Kirkpatrick, do have and recover of and from The Black Diamond Copper Mining Company, a corporation, his costs in this court, taxed at

No. 944. ✓

In the Matter of
The Black Diamond Copper Company, a corporation, Bankrupt.
Soto Brothers & Renaud, co-partners, Appellants.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the orders of the lower court complained of are set aside and the case remanded with directions to adjudicate the Copper Company a bankrupt, and to proceed with the administration of its estate.

It is further ordered, adjudged and decreed that the Appellants herein, Soto Bros. and Renaud, co-partners, do have and recover of and from The Black Diamond Copper Mining Company, a corporation, their costs in this court, taxed at One Hundred Three and 25/100 ($103.25) dollars, and their costs in the court below in this cause incurred.

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No. 916. ✓

Southwestern Commercial Company, a corporation,
Appellant,
vs.
George V. Owenby, assignee of Thomas J. Turner,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Southwestern Commercial Company a corporation, Appellant herein, William Schuckmann and Bracy Curtis, judgment debtors, as principals, and The United States Fidelity and Guaranty Company, Surety on Supersedeas Bond, the sum of One Thousand, Two hundred ninety-seven dollars and fifty-five cents ($1297.55) with interest thereon from the 31st day of December, 1904, at the rate of six per cent (6%) per annum, together with his costs in this cause taxed at fifteen and 90/100 ($15.90) dollars, and his costs in the court below, in this cause incurred, taxed at Seventy-three and 40/100 ($73.40) dollars.

No 225 ✓

Territory of Arizona,
Appellant.
vs.
James L. Monroe,
Respondent,

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and this appeal having been taken by the Territory upon questions of law alone, under section 1038 of the Penal Code, and the Court being fully advised in the premises: and finds that the appeal of the Territory was well taken; that the demurrer to the indictment should have been overruled by the trial Court and that the judgment entered was therefore erroneous.

No. 1[illegible] ✓

H. C. Friedman,
Appellant,
vs.
C. H. Kuttler,
Appellee.

This cause having been heretofore submitted and by

the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgement of the trial court be and the same is, hereby reversed and the case remanded for a new trial.

It is further ordered, adjudged and decreed, that the Appellant herein, do have and recover of and from H. A. Suttle, Appellee herein, his costs in this court, taxed at One hundred eleven and 50/100 ($111.50) Dollars,.

Ygeracio Samaniego,
Appellant

No. 221. ✓ vs.

Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgement of the trial court be and the same is, hereby affirmed.

Robert Barton,
Appellant,

No. 226. ✓ vs.

Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is, hereby reversed, and the cause remanded for a new trial!

Anna Williams,
Appellant,

No. 897. ✓ vs.

Richard Jones,
Appellee.

This cause having been heretofore submitted and by

Mch. 30-'06 the Court taken under consideration and the Court having considered the same, and being fully advised in the premises; It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein, do have and recover of and from Anna Williams, Appellant herein, and F. J. La Prade and Ernest Fear, Curtis on appeal bond, the sum of Fifteen hundred sixty-one and 50/100 ($1561.50) dollars, with interest thereon from the 12th day of October 1904 at the rate of (12 %) twelve per cent per annum and the further sum of Five hundred fifteen and 83/100 ($515.83) dollars, with interest on said amount from October 12 th 1904, at six per cent. (6%) per annum, together with his costs in this court, taxed at Twenty-one ($21.00) dollars, and his costs in the court below in this cause incurred.

No. 955 ✓

R. Allyn Lewis and Laetitia M. Lewis,
Appellants,
vs.
Fred Herrera, Receiver
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises; It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from R. Allyn Lewis and Laetitia McD. Lewis, Appellants herein, and the National Surety Company of New York, a corporation, his costs in this court, taxed at twenty nine and 80/100 ($29.80) Dollars, and his costs in the court below in this cause incurred.

No. 222. ✓

George Young,
Appellant,
vs.
Territory of Arizona,
Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same, and being fully advised in the premises; It is ordered that the judgment of the lower court be and the same is hereby modified by eliminating all reference to the imprisonment which leaves a fine

full force and effect the fine of Three Hundred Dollars.

No. 905. ✓

Roy T. Titcomb, Inc.,
Appellant,
vs.
Julius Flin,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises:
It is ordered that the judgement of the lower court be and the same is hereby, affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from Roy T. Titcomb Appellant herein, and E. Titcomb and H. H. Kelsey, sureties on Appeal Bond, the sum of Fifteen Hundred Ninety-seven and 29/100 ($1597.29) Dollars, and interest on the sum of Fourteen Hundred ninety-four and 39/100 ($1494.39) Dollars at the rate of six (6%) per cent. per annum from the 7th day of January, 1905, until paid, together with his costs ~~and~~ in this Court taxed at Twenty-nine and 75/100 ($29.75) Dollars and his costs in the Court below in this cause incurred.

No. 907. ✓

Eugene S. Ives,
Appellant,
vs.
E. F. Sanguinetti,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises:
It is ordered that the judgment of the lower court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from Eugene S. Ives, Appellant herein and M. J. Nugent and L. H. Alexander sureties, the sum of One Hundred and twenty-five ($125.00) dollars, with interest thereon at the rate of six per cent. (6%) per annum from the 26th day of April, 1899, together with his costs in this cause taxed at Twenty-one and 50/100 ($21.50) dollars, and his costs in the Court below in this cause incurred.

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No. 911 ✓

F. S. Pheby,
Appellant,
vs.
Lake Superior and Arizona Mining Company,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from F. S. Pheby, Appellant herein, and the Pacific Surety Company, a corporation, of California, surety on appeal bond herein, its costs in this court taxed at eighty-seven ($87.00) ---- Dollars, and its costs in the court below in this cause incurred.

No. 920 ✓

James R. Thorpe,
Plaintiff in Error,
vs.
F. N. Clanton, W. B. Long, H. E. Kell, D. O. Clanton, E. H. Smith, C. F. Hurley, Riley Johnson, N. N. Kinney and J. V. Riley,
Defendants in Error.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby reversed.

It is further ordered, adjudged and decreed, that the Plaintiff in Error herein, do have and recover of and from F. N. Clanton, W. B. Long, H. E. Kell, D. O. Clanton, E. H. Smith C. F. Hurley, Riley Johnson, N. N. Kinney and J. V. Riley, Defendants in Error herein his costs in this court, taxed at One Hundred six and 60/100 ($106.60) Dollars, and his costs in the Court below in this cause incurred.

John MacPherson,
Appellant,
vs.
No. 921. ✓
B. Hattich,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from John MacPherson, Appellant herein, and Alex Rossi and Louis De Vry, sureties on appeal bond his costs in this court taxed at thirty ($30.00) dollars, and his costs in the court below in this cause incurred taxed at Fifty-two and 65/100 ($52.65) dollars, and have execution therefor.

Peter L. Hutton, as administrator of the estate of A. J. Epley, deceased,
Appellant,
vs.
No. 932. ✓
John Cramer,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the trial court be and the same is, hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from Peter L. Hutton, ... administrator of the estate of A. J. Epley, deceased, Appellant herein, his costs in this court, taxed at Thirty ($30.00) dollars, and one half of his costs in the court below in this cause incurred.

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No. 942 v

Empire Smelting Company, a corporation, Appellant,

vs.

Gardiner, Worthen & Gore Company, a corporation, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the trial court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from the Empire Smelting Company, a corporation, Appellant herein, and the American Surety Company of New York, surety on Appeal Bond, the sum of Three Thousand Three Hundred and Ninety-four and 85/100 ($3394.85) Dollars with interest thereon at six (6%) per cent per annum from the 15th day of July, 1905 until paid, together with its costs in this Court taxed at twenty-three ($23.00) Dollars and its costs in the court below in this cause incurred.

No. 225 v

L. C. Hughes, Appellant,

vs

Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Respondent herein do have and recover of and from L. C. Hughes, Appellant herein, its costs in this Court taxed at twenty-six and 50/100 ($26.50) dollars, and its costs in the Court below.

No. 227 v

C. C. Leigh, Appellant,

vs.

Territory of Arizona, Respondent.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgement of the District Court be and the same is, hereby, affirmed.

No. 903. ✓

Territory of Arizona,
Plaintiff,
vs.
E. L. Vail, Phil S. Hughes, and C. F. Richardson, as Supervisors of Pima County,
Respondents.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the Writ of Mandamus issue as prayed for.

It is further ordered, adjudged and decreed that the Plaintiff herein do have and recover of and from E. L. Vail, Phil S. Hughes and C. F. Richardson, as Supervisors of Pima County, its costs in this court taxed at Twenty-four and 25/100 ($24.25) dollars.

No. 904. ✓

M. D. Scribner,
Appellant,
vs.
William K. Meade,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgement of the district court be and the same is, hereby reversed, and the case remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from William K. Meade, Appellee herein, his costs in this court taxed at _____ Dollars.

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No. 917.

M. J. Nugent,
Appellant,
vs.
John Soffela,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court in so far as it imposes conditions precedent to the relief granted to the plaintiff, be, and the same is hereby reversed, and the cause remanded to the District Court with directions to that Court to enter judgment absolute for the plaintiff.

It is further ordered adjudged and decreed that the Appellant herein, do have and recover of and from John Soffela, Appellee herein, his costs in this court taxed at Eighty-one and 5/100 ($81.05) Dollars. and his costs in the court below in this cause incurred.

A. V. Lewis,
Appellant,
vs.
Francis Cunningham,
Appellee.

No. 931.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from A. V. Lewis, Appellant herein, and August Baum and N. H. Neil sureties on Appeal Bond, her costs in this court taxed at Twenty-five and 5/100 ($25.50) Dollars, and her costs in the Court below in this cause incurred.

No. 945 ✓

Southern Pacific Company,
Appellant,
vs.
Thomas F. Wilson, administrator of the estate of Hugh Mackenzie, deceased,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgement of the district court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from the Southern Pacific Company, Appellant herein, and H. D. Tenney and M. P. Freeman, sureties on appeal bond, the sum of Five Thousand ($5,000.00) Dollars, and his costs in the lower court in this cause expended, assessed at the sum of One Hundred and Eighty ($180.00) Dollars, together with legal interest thereon from the 1st day of June, 1905 until paid, together with his costs in this court, taxed at thirty ($30.00) dollars, and that he have execution therefor.

No. 949. ✓

Manuel Smith,
Appellant,
vs.
Grace H. Manlove,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:
It is ordered that the judgement of the District Court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed, that the Appellee herein do have and recover of and from Manuel Smith Appellant herein and Philip Contzen and J. Kerr Corbett, sureties on Appeal Bond, her costs in this court, taxed at Thirty-one ($31.00) Dollars, and her costs in the court below in this cause incurred.

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No. 948.

Nicki Matko, Louis Vessalich, sometimes spelled Louis Visalich, Dan Sefferi, J. Krilanovich, and John Lopizich, Appellants,

vs.

August Daley, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the District Court be and the same is hereby reversed, and the case remanded for a new trial.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from August Daley, Appellee herein their costs in this cause, taxed at One hundred fifty-six and 95/100 ($156.95) dollars.

No. 952.

Colby N. Thomas, C. C. Brown, and Henry Levin, appellants,

vs.

Territory of Arizona, appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that this cause be and the same is hereby remanded to the district court with instructions to modify the judgment in accordance with the opinion rendered herein, which reads, in part, as follows:

"We think such judgment is improper in form. It should have provided that the plaintiff have and recover judgment against the defendants in the amount specified in the bond, to-wit: the sum of Five Thousand dollars, and that of each surety the plaintiff have and recover of each individual defendant the amount for which he is obligated in

the bond; and that the plaintiff have and recover of the defendants the amount of its costs; payment of said sum of $9,000. and costs, by any or all of the defendants, to operate as a satisfaction of the judgment," and as so modified the judgment is affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from

No. 961. ✓

Presley L Motes,
Appellant,
vs.
Gila Valley, Globe & Northern Railway Company,
Appellee.

The motion to Affirm the Judgment of the Lower Court, filed herein by Appellee, having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises: It is ordered that said Motion be and the same is hereby denied.

✓ It is further ordered that Appellant herein be granted fifteen days in which to file record in this court.

No. 890 ✓

M J. Brown,
Appellant,
vs.
F. H. Brown and L. N. Brunswig Co-partners doing business under the firm name and style of F. H. Brown & Co.
Appellee.

It is ordered that this cause be and the same is hereby stricken from the Calendar unless good and sufficient cause be presented to this Court by counsel why such order shall not be executed.

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No. 960 ✓

In the Matter of the American Capsule Company, Bankrupt.

In re Petition of Ben Blanchard and Howell Mercy Company for Review.

It is ordered that this cause be passed until next term.

No. 916 ✓

Southwestern Commercial Company, a corporation, Appellant,

vs.

George V. Downey, assignee of Thomas J. Lunden, Appellee.

On motion of Mr. Thos. D. Bennett, It is ordered that his name be entered of record as attorney for Appellee herein.

Supreme Court of Justice

Supreme Court, } January Term, A.D. 1906.
Territory of Arizona. } Phoenix, Arizona. Saturday, March 31-1906.

Court opened at 3 o'clock P. M.

Present: Honorable Edward Kent, Chief Justice.
" Fletcher M. Doan, Associate Justice.
" John H. Campbell, " "
" Frederick S. Nave, " "

D. M. Cullom, Clerk
M. H. Calderwood, Crier.
J. L. Hoff, Bailiff.

The following business was transacted.

Thomas J. Tucker, and The United States Fidelity & Guaranty Company, a corporation,
Plaintiffs in Error,
No. 938. vs.
O. K. Franklin,
Defendant in Error.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Defendant in Error herein, do have and recover of and from the United States Fidelity and Guaranty Company, a corporation, and the Fidelity and Deposit Company of Maryland, surety on Supersedeas Bond the sum of Four Thousand ($4,000.) Dollars with interest thereon at the rate of six per cent. (6%) per annum from the 19th day of April, 1905, together with his costs in this court taxed at Thirty ($30.00) Dollars, and his costs in the court below in this cause incurred.

The Meyer-Clarke-Rowe Mines Company, a corporation,
Appellant,
No. 886. vs.
Albert Steinfeld,
Appellee.

This cause having been heretofore submitted, and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

Mch. 31-'06 It is ordered that the judgment of the lower court be and the same is hereby reversed and the case remanded for a new trial.

It is further ordered, adjudged and decreed, that the Appellant herein do have and recover of and from Albert Steinfeld, Appellee herein, its costs in this court, taxed at Four hundred sixteen and 75/100 ($416.75) Dollars.

In the Matter of the Application of George Purdy Bullard for Change of name.

On motion of Mr. George Purdy Bullard, It is ordered that the name of Purdy Relyea, entered on the Roll of Attorneys in this court October 14, 1889, be changed to the name of George Purdy Bullard.

No. 958. William Epperson, Appellant, vs. John H. Cozier, Appellee.

On motion of Mr. F. G. Norris, attorney for Appellee herein, It is ordered that upon filing of waiver by Appellee. Remittitur may issue at once.

No. 933. R. N. Leatherwood, President, and E. N. Fish, et al, Directors of the Arizona Pioneers' Historical Society, and the Arizona Pioneers' Historical Society, a corporation, Plaintiffs, vs. Wesley A. Hill, Territorial Auditor of the Territory of Arizona, Defendant.

On motion of Mr. attorney for Plaintiffs herein, It is ordered that Plaintiffs be granted thirty days in which to file Amended Complaint.

It is ordered that this Court stand adjourned until Saturday, May 12th, 1906, at 10 o'clock A. M.

Edward Kent Chief Justice.

Supreme Court, } January Term, A. D. 1906.
Territory of Arizona. } Phoenix, Arizona. Saturday, May 12. 1906.

Court opened at 10 o'clock, A. M.

Present: Honorable Edward Kent, Chief Justice.
" Richard E. Sloan, Associate Justice.
" Fletcher M. Doan, " "
" John H. Campbell " "
" Frederick S. Nave " "
S. M. Cullom, Clerk.
M. H. Calderwood, Crier.
J. L. Hoy Bailiff.

The following business was transacted.

It is ordered by the Court that the Commission and Oath of Mr. Associate Justice Doan be spread upon the minutes of this court.

Theodore Roosevelt,
President of the United States of America,
To all who shall see these Presents, Greeting:

Know Ye, That reposing special trust and confidence in the Wisdom, Uprightness and Learning of Fletcher M. Doan of Arizona, I have nominated and by and with the advice and consent of the Senate, do appoint him Associate Justice of the Supreme Court of the Territory of Arizona, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and Laws of the said United States, and to Have and to Hold the said Office with all the powers, privileges and emoluments to the same of right appertaining, unto Him, the said Fletcher M. Doan, for

May 12-06 the term of four years commencing with the date hereof subject to the provisions of Law.

In testimony whereof, I have caused these Letters to be made Patent and the seal of the Department of Justice to be hereunto affixed. Given under my hand, at the City of Washington, the twenty-eighth day of March in the year of our Lord one thousand nine hundred and six and of the Independence of the United States of America the one hundred and thirtieth.

{Seal}

By the President:

Theodore Roosevelt.

William H. Moody
Attorney General.

Dept of Justice
Washington

I, Esther Nadeau, do solemnly swear that I will faithfully and impartially discharge and perform all the duties incumbent on me as Special Justice of the Supreme Court of the Territory of Arizona, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States; that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, and that I will take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

Esther M. Nadeau.

Sworn to before me this

Clerk of the District Court.

Supreme Court,
Territory of Arizona. } ss.

I, Fletcher M. Doan, do solemnly swear that I will support the Constitution of the United States and the Laws of the Territory of Arizona; that I will bear faith and allegiance true to the same, and defend them against all enemies whatsoever, and that I will faithfully and impartially discharge the duties of the office of Associate Justice of the Supreme Court of the Territory of Arizona, according to the best of my ability, So Help Me God.

Fletcher M. Doan.

Subscribed and sworn to before me this 10th day of May, A.D., 1906.

Edward Kent,
Chief Justice of the Supreme Court
of the Territory of Arizona.

Santa Fe, Prescott, & Phoenix Railway Company, Appellant,

vs.

No. 858. George S. Ford, Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby reversed and the case remanded for new trial.

It is further ordered, adjudged and decreed that the Appellant herein do have and recover of and from George S. Ford, Appellee herein, its costs in this cause taxed at One Hundred Eighty-eight and 70/100 ($188.70) dollars.

May 12-'06.
No. 917.

M. J. Nugent,
Appellant,
vs.
John Stoffela,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

No. 225.

L. C. Hughes,
Appellant,
vs.
Territory of Arizona
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 938.

Thomas J. Turner and
The United States Fidelity & Guaranty
Company, a corporation,
Plaintiffs in Error,
vs.
O. B. Franklin,
Defendant in Error.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 903.

The Territory of Arizona
Plaintiff,
vs.
E. L. Vail, Phil S. Hughes and
C. F. Richardson, as Supervisors
of Pima County, Arizona,
Defendants.

It is ordered that the Motion for Re-hearing filed herein, by Defendants, be submitted.

No. 942 ✓

Empire Smelting Company,
a corporation,
Appellant,
vs.
Gardiner, Northern & Goss Company
a corporation,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 931 ✓

A. V. Lewis,
Appellant,
vs.
Francis Cunningham,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 945 ✓

Southern Pacific Company,
Appellant,
vs.
Thomas F. Wilson, Administrator of
the Estate of Hugh Mackenzie, deceased,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 944 ✓

In the Matter of the Black Diamond
Copper Mining Company, a corporation,
in Bankruptcy.
Solo Bros. and Reynard,
Appellants.

It is ordered that the Motion for Re-hearing filed herein by the Black Diamond Copper Mining Company, be submitted.

May 12-06

No. 952 ✓ Colby N. Thomas, et al.,
Appellants,
vs.
Territory of Arizona,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

No. 910 ✓ Phoenix & Eastern Railroad Company, a corporation,
Appellant,
vs.
Arizona Eastern Railroad Company, a corporation,
Appellee.

It is ordered that the Motion for Re-hearing filed herein, by Appellee, be submitted.

No. 956 ✓ F. C. Friedman,
Appellant,
vs.
Hoff. Suttle,
Appellee.

It is ordered that the Motion for Re-hearing filed herein, by Appellee, be submitted.

No. 911 ✓ F. S. Chase,
Appellant,
vs.
Lake Superior and Arizona Mining Company,
Appellee.

It is ordered that the Motion for Re-hearing filed herein, by Appellant, be submitted.

No. 228 ✓

Arch Maxwell, et al.,
Appellants,
vs.
Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by appellants, be submitted.

No. 949. ✓

Manuel Smith,
Appellant,
vs.
Grace H. Manlove,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by appellant, be submitted.

No. 905 ✓

Roy T. Titcomb,
Appellant,
vs.
Julius Flin,
Appellee.

It is ordered that the Motion for Re-hearing filed herein, by Appellant, be submitted.

No. 863 ✓

A. L. Henshaw, et al.,
Appellants,
vs.
The Salt River Valley Canal Company, et al.,
Appellees.

It is ordered that the Motion for Re-hearing filed herein by Appellee, be submitted.

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No. 915 V

Salt River Valley Canal Company, a corporation,
Appellant,
vs.
Peter Nelson,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 920 V

James R. Thorpe,
Plaintiff in Error,
vs.
F. N. Clanton, et al.,
Defendants in Error.

It is ordered that the Motion for Re-hearing filed herein by Defendants in Error, be submitted.

No. 908 V

Phoenix Water Company, a corporation,
Appellant,
vs.
The Common Council of the City of Phoenix,
Appellee.

It is ordered that the Motion for Re-hearing filed herein, by Appellant, be submitted.

No. 955 V

R. Allyn Lewis, et al.,
Appellants,
vs.
Fred Herrera, Receiver,
Appellee.

It is ordered that the Motion for Rehearing filed herein by Appellants, be submitted.

No. 921 ✓

John MacPherson,
Appellant,
vs.
E. Hattich,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, be submitted.

No. 914. ✓

Frank Powers and Josephine Powers,
Appellants,
vs.
The World's Fair Mining Company,
a corporation,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellants, be submitted.

No. 959. ✓

Priscilla Bradford,
Appellant,
vs.
Robert E. Morrison,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same, and being fully advised in the premises: It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Priscilla Bradford, Appellant herein, and Robt. H. Bruniter and Hosher R. Woods, sureties on Appeal Bond, his costs in this court taxed at fourteen and 45/100 ($14.45) Dollars and his costs in the Court below in this cause incurred.

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William H. Cook, as Sheriff of the County of Maricopa, Territory of Arizona, and the United States Fidelity and Guaranty Company, a corporation,
Appellants,

No. 919

vs.

Mary E. Purcman, as Administratrix of the Estate of D. M. Purcman, Deceased,
Appellee.

This cause having heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the trial court be and the same is hereby reversed with directions that a new trial be granted.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from Mary E. Purcman, Administratrix of the Estate of D. M. Purcman, deceased, Appellee herein, their costs in this court, taxed at Two Hundred ten and 10/100 ($210.10) Dollars.

Charley O. Rouse,
Appellant,

No. 950

vs.

Pima County,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration, and the Court having considered the same and being fully advised in the premises:

It is ordered that the judgment of the lower court be and the same is hereby affirmed.

It is further ordered, adjudged and decreed that the Appellee herein, do have and recover of and from Charley O. Rouse, Appellant herein and J. Kent Corbett and N. E. Skinner, sureties on Appeal Bond herein, its costs in this court, taxed at Three and 75/100 ($3.75) dollars and its costs in the Court below in this cause incurred.

Albert Steinfeld, R. K. Shelton,
Silver Bell Copper Company, a corporation,
and Mammoth Copper Company, a corporation,
Appellants,

No. 943. vs.

Louis Zeckendorf,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises,

It is ordered that the judgment of the lower court be and the same is hereby reversed and a new trial granted.

It is further ordered, adjudged and decreed that the Appellants herein do have and recover of and from Louis Zeckendorf, Appellee herein, their costs in this court taxed at

George H. Schweeman, Fred Sattler
and Barney Smith, as Supervisors
of Yavapai County,
Appellants,

No. 870. vs.

Territory of Arizona, upon the
relation of C. S. Clark, as District Attorney
of Yavapai County in said Territory,
Appellee.

This cause having been heretofore submitted and by the Court taken under consideration and the Court having considered the same and being fully advised in the premises, and the members of this Court qualified to participate in the determination of the appeal being equally divided in opinion, It is ordered that the judgment of the District Court must therefore stand affirmed.

It is further ordered, adjudged and decreed that the Appellee herein do have and recover of and from Appellants herein and M. D. Hazeltine and C. H. Peter, sureties on Supersedeas Bond

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No. 922.

Eugene S. Ives and Anna N. Ives,
Appellants,
vs.
John N. Dorrington,
Appellee.

In this cause, a Stipulation, signed by Appellants and Appellee, dismissing the appeal herein without costs to either party as against the other, having been filed herein, and which reads as follows:

"It is hereby Stipulated that the appeal now pending in the Supreme Court of the Territory of Arizona from the judgment of the district court entered in favor of John N. Dorrington and against Eugene S. Ives and Anna N. Ives, may be dismissed without costs to either party as against the other; and

It is Further Stipulated that the judgment from which said appeal is taken and heretofore entered in the district court may be without notice or costs to either party as against the other marked "discharged and satisfied of record",

It is ordered that this cause be and the same is hereby dismissed pursuant to said Stipulation.

No. 917.

M. J. Nugent,
Appellant,
vs.
John Stafford,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellee, and heretofore submitted, be and the same is hereby denied.

By Court

L. C. Hughes,
Appellant,
vs.
No. 225 ✓ Territory of Arizona,
Respondent.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted be and the same is, hereby denied

Thomas J. Jurcen, Sheriff, and
The United States Fidelity and
Guaranty Company, a corporation,
Plaintiffs in Error,
vs.
No. 938 ✓ O. K. Franklin,
Defendant in Error.

In this cause, it is ordered that the Motion for Re-hearing filed herein by Plaintiffs in Error, and heretofore submitted, be and the same is, hereby denied

The Territory of Arizona,
Plaintiffs,
vs.
No. 903 ✓ E. L. Vail, Phil S. Hughes, and
C. F. Richardson, as Supervisors
of Pima County, Arizona,
Defendants.

It is ordered that the Motion for Re-hearing filed herein by Defendants, and heretofore submitted, be and the same is, hereby denied.

Empire Smelting Company,
Appellant,
vs.
No. 942 ✓ Gardiner, Worthen & Ives Company,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore sub(mitted,

May 12-'06 Leave granted.

No. 931 ✓

A. V. Lewis,
Appellant,
vs.
Francis Cunningham,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, and heretofore submitted, be and the same is, hereby denied.

No. 945 ✓

Southern Pacific Company,
Appellant
vs.
Thomas F. Wilson, Administrator of the Estate of Hugh Mackenzie, deceased,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellant and heretofore submitted, be and the same is, hereby denied.

No. 944 ✓

In the Matter of the Black Diamond Copper Mining Company, a corporation, in Bankruptcy.
Dale Bros. and Renaud,
Appellants.

It is ordered that the Motion for Re-hearing, filed herein by the Black Diamond Copper Mining Company, and heretofore submitted, be and the same is hereby denied.

No. 952 ✓

Colby N. Thomas et al.,
Appellant,
vs.
Territory of Arizona,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellant, and heretofore submitted,

be and the same is, hereby denied.

No. 910 ✓

Phoenix & Eastern Railroad Company, a corporation,
Appellant,
vs.
Arizona Eastern Railroad Company, a corporation,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellee and heretofore submitted, be and the same is hereby denied.

No. 956. ✓

F. C. Friedman,
Appellant,
vs.
H. A. Suttle,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellee and heretofore submitted, be and the same is, hereby denied.

No. 911 ✓

F. S. Pixley,
Appellant,
vs.
Lake Superior and Arizona Mining Company,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant, and heretofore submitted, be and the same is, hereby denied.

No. 228. ✓

Arch Maxwell and R. H. Motter,
Appellant,
vs.
Territory of Arizona,
Appellee.

It is ordered that the Motion for Re-hearing

May 12-'06 Filed Praecipe by Appellants and hereinbefore submitted, &c and the same is, Hereby denied.

No. 949 ✓

Manuel Smith,
Appellant,
vs.
Grace H. Maudsley,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellant and hereinbefore submitted, &c and the same is, Hereby denied.

No. 952 ✓

Roy F. Filcomb, Inc.,
Appellant,
vs.
Julius Fliny,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellant and hereinbefore submitted, &c and the same is, Hereby denied.

No. 863 ✓

A. L. Henshaw, et al.,
Appellants,
vs.
The Salt River Valley Canal Company, et al.,
Appellees.

It is ordered that the Motion for Re-hearing, filed herein by Appellees and hereinbefore submitted, &c and the same is, Hereby denied.

Salt River Valley Canal Company,
Appellant,
vs.
[illegible]
Appellee.

It is ordered that the Motion for Re-hearing

filed herein by Appellant and heretofore submitted, be and the same is, hereby denied.

James R. Thorpe,
Pl. intiff in Error,

920 ✓ vs.

G. N. Clanton, et al.,
Defendants in Error.

It is ordered that the motion for Re-hearing filed herein by Defendants in Error and heretofore submitted, be and the same is, hereby denied.

Phoenix Water Company,
a corporation,
Appellant

No. 908 ✓ vs.

The Common Council of the
City of Phoenix,
Appellee.

It is ordered that the motion for Re-hearing filed herein by Appellant and heretofore submitted, be and the same is, hereby denied.

R Allyn Lewis and Laetitia McD. Lewis,
Appellants,

No. 955 ✓ vs.

Fred Herrera, Receiver,
Appellee.

It is ordered that the Motion for Re-hearing, filed herein by Appellants and heretofore submitted, be and the same is, hereby denied.

500

May 12- '06

No. 921 ✓

John MacPherson,
Appellant,
vs.
B. Hatch,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant and heretofore submitted be and the same is hereby passed until May 28th, 1906.

No. 914 ✓

Frank Powers and Josephine Powers,
Appellants,
vs.
The World's Fair Mining Company,
a corporation,
Appellee.

It is ordered that the Motion for Re-hearing filed herein by Appellant and heretofore submitted, be and the same is hereby passed until May 28- 1906.

No. 952 ✓

Colby N. Thomas, et al.,
Appellants,
vs.
Territory of Arizona,
Appellee.

Comes now attorney for appellants herein, in open court, and gives notice of appeal from the judgment of this court, to the Supreme Court of the United States, and moves the Court that the appeal be allowed.

It is ordered that said motion be granted, and the appeal be and the same is hereby, allowed.

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